



# CITY OF KIRKLAND

## CITY COUNCIL

Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway  
Doreen Marchione • Bob Sternoff • Amy Walen • Kurt Triplett, City Manager

### *Vision Statement*

*Kirkland is an attractive, vibrant, and inviting place to live, work and visit.  
Our lakefront community is a destination for residents, employees and visitors.  
Kirkland is a community with a small-town feel, retaining its sense of history,  
while adjusting gracefully to changes in the twenty-first century.*

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### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

#### City Council Chambers

#### Tuesday, April 5, 2011

#### 6:00 p.m. – Study Session – Peter Kirk Room

#### 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us), or at the Public Resource Area at City Hall on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (587-3190) or the City Manager's Office (587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 587-3190, or for TTY service call 587-3111 (by noon on Monday) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

**EXECUTIVE SESSIONS** may be held by the City Council to discuss matters where confidentiality is required for the public interest, including buying and selling property, certain personnel issues, and lawsuits. An executive session is the only type of Council meeting permitted by law to be closed to the public and news media

**ITEMS FROM THE AUDIENCE** provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk\*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room, 6:00 p.m.
  - a. King County Solid Waste Interlocal Agreement Briefing
4. *BOARD AND COMMISSION INTERVIEWS*, Rose Hill Room, 7:00 p.m.
  - a. Erik Mott, Design Review Board
  - b. Jack Halter, Parking Advisory Board
5. *HONORS AND PROCLAMATIONS*
  - a. Child Abuse Prevention Month
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*

7. *SPECIAL PRESENTATIONS*

- a. David Woodall, Interim President, Lake Washington Technical College
- b. Green Tips

8. *CONSENT CALENDAR*

- a. *Approval of Minutes:* (1) March 15, 2011  
(2) March 16, 2011 Special Meeting  
(3) March 21-22, 2011 Special Meeting

b. *Audit of Accounts:*

<i>Payroll</i>	\$
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<i>Bills</i>	\$
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c. *General Correspondence*d. *Claims*

- (1) The Bowie Place Homeowners Association
- (2) Christine Gelotte
- (3) Ellen Miller-Wolfe
- (4) Ernest D. Pearce
- (5) Hans Ravnaas
- (6) Ruth A. Schafer
- (7) Daniel Thonn
- (8) Everett E. Vermilion
- (9) Ubon Vongkunthong

e. *Award of Bids*f. *Acceptance of Public Improvements and Establishing Lien Period*

- (1) Heronfield Wetlands Bank Stabilization Project, Laser Underground, Snohomish, WA

g. *Approval of Agreements***GENERAL CORRESPONDENCE**

Letters of a general nature (complaints, requests for service, etc.) are submitted to the Council with a staff recommendation. Letters relating to quasi-judicial matters (including land use public hearings) are also listed on the agenda. Copies of the letters are placed in the hearing file and then presented to the Council at the time the matter is officially brought to the Council for a decision.

**ORDINANCES** are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

**RESOLUTIONS** are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

*h. Other Items of Business*

- (1) Ordinance No. 4296, Annexing Certain Territory Pursuant to RCW 35A.14.480 on the Terms Provided in the Interlocal Agreement Between the City of Kirkland, King County Fire Protection District #41 and King County Regarding the Annexation of the Wild Glen Area; and Fixing the Effective Date of the Annexation

**PUBLIC HEARINGS** are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

*9. PUBLIC HEARINGS*

- a.* Ordinance No. 4297, Relating to Land Use and Zoning and Providing Interim Official Controls Regarding the Use of Existing Electronic Readerboard Signs at Government Facilities in the "P" Zone of the City of Kirkland

*10. UNFINISHED BUSINESS*

- a.* 2011 Legislative Update No. 5
- b.* Totem Lake Update
- c.* Traffic Monitoring for SR 520 Tolling

**NEW BUSINESS** consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

*11. NEW BUSINESS*

- \* *a.* Resolution R-4875, Approving the Issuance of a Process IIB Permit as Applied for in Department of Planning and Community Development File No. ZON10-00022 by the Central Park Tennis Club being Within a PLA16 Zone, and Setting Forth Conditions to Which Such Process IIB Permit Shall be Subject

**ITEMS FROM THE AUDIENCE**  
Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

*12. REPORTS*

- a. City Council*
  - (1) Regional Issues
- b. City Manager*
  - (1) Burlington Northern Santa Fe (BNSF) Update
  - (2) Calendar Update

*13. ITEMS FROM THE AUDIENCE**14. ADJOURNMENT*



## **CITY OF KIRKLAND**

### **Department of Public Works**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**

**[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** John MacGillivray, Solid Waste Coordinator  
Ray Steiger, P.E., Interim Public Works Director

**Date:** March 29, 2011

**Subject:** King County Solid Waste Division Interlocal Agreement Briefing

### **RECOMMENDATION**

Staff recommends that the City Council:

1. Receive a presentation on the pending Solid Waste Interlocal Agreement negotiations and discuss and consider its options; and
2. Support the extended ILA negotiation process to allow longer term (20-30 year) bonding to finance the completion of the Solid Waste Transfer and Waste Export System Plan

### **BACKGROUND**

At the April 5, 2011, City Council Study Session, Mr. Kevin Kiernan, Director of the King County Solid Waste Division (KCSWD), will present details of the pending solid waste interlocal agreement (ILA) negotiations that cities are undertaking with the KCSWD and to answer questions. The presentation will include:

- A history of mitigation efforts at the Houghton Transfer Station (HTS);
- The development and responsibilities of the Metropolitan Solid Waste Management Advisory Committee (MSWMAC) of which Councilmember Greenway is Chairperson;
- A discussion of the evolution, content, and financing of the Solid Waste Transfer and Waste Export Plan (2006);
- An explanation of the rates (tipping fees) the City of Kirkland pays to be a member of the KCSWD transfer system;
- The purpose and benefits of signing a new, extended ILA with King County

Kirkland is one of 37 King County cities that signed an ILA with King County in 1988. The agreement is due to expire in 2028. Per the agreement, ILA cities have agreed to direct all their solid waste to the King County transfer system and pay a rate to the KCSWD for the transport and disposal of their solid waste. In return, the KCSWD manages and maintains its transfer stations, consolidates and transports solid waste, and ultimately disposes of our solid waste at the County's only operating landfill at Cedar Hills.

There are two major documents referenced throughout this memorandum that provide guidance to the KCSWD in its management of the solid waste system:

Draft 2009 Comprehensive Solid Waste Management Plan ("Comp Plan")

The Comp Plan presents proposed strategies for managing King County's solid waste over the next several years. The plan was developed in a collaborative effort with the 37 cities that have ILAs with the County. The plan presents draft policies, recommendations, and goals in several areas including solid waste systems planning, waste prevention and recycling, collection and processing, the transfer system, solid waste disposal and landfill management, and system financing. Later in 2011, member cities will have the opportunity to review and formally adopt the plan via an ordinance. In January 2010, the City Council received a presentation from King County and City staff on the plan. A link to an electronic copy of the plan can be found here:

<http://your.kingcounty.gov/solidwaste/about/Planning/documents/DRAFT-2009-comp-plan.pdf>

Solid Waste Transfer and Waste Export System Plan ("Transfer Plan")

The Transfer Plan, adopted by the King County Council in 2006 and approved by MSWMAC, provides a blueprint for the future of King County's solid waste management system and was developed in collaboration with ILA cities. The plan evaluates the integrity of the transfer stations, identifies their efficiencies and deficiencies, and makes recommendation for the future transfer system. The plan is in the process of being implemented by King County and has already resulted in the construction of the Shoreline Transfer Station and the current construction of the new Bow Lake transfer facility. A link to an electronic copy of the plan can be found here:

<http://your.kingcounty.gov/solidwaste/about/Planning/documents/Transfer-WasteExportPlanAppendices.pdf>

KEY ISSUES NECESSITATING THE ILA NEGOTIATION PROCESS

The following summary is taken, in part, from the MSWMAC Solid Waste ILA Review Committee Work Plan (attached) distributed to MSWMAC members at the March 11, 2011 meeting.

*ISSUE 1: Financing of the Transfer Station System Plan*

The KCSWD is currently in the process of renovating or replacing its existing transfer stations in accordance with the aforementioned Transfer Plan which was approved by cities' elected official representatives to MSWMAC but not formally approved by member cities. The cities that elect to formally adopt the Comp Plan later in 2011 will by default adopt the recommendations included in the 2006 Transfer Plan since the recommendations are included in the Comp Plan.

The Transfer Plan calls for the closure of the Houghton Transfer Station (HTS) once the Northeast Lake Washington transfer station is sited and constructed around 2018. The Transfer Station Plan recommends the closure of the HTS based upon its failure to meet several key level-of-service criteria such as its proximity to neighborhood residences, incompatibility with surrounding land use, inadequate vehicle and average daily handling capacities, lack of recycling services, and safety-related issues.

The region's transfer stations, built in the 1960's, are reaching their intended service life and newer safety, seismic, and operational standards have been developed. The County and cities have collaborated on the development of a transfer station plan to invest in new transfer stations with a potential life of 40+ years. Capital investments associated with the plan are financed from bonds that are re-paid from revenue received from disposal rates adopted by the

King County Council (KCC). However, the term of financing for bonds is linked to the term of the cities' ILAs, which currently expire in 2028 – approximately 17 years from now.

The region faces choices of:

1. Financing these significant capital investments within the next 17 years or less; or
2. Extending the term of the ILAs to allow longer time term financing (20-30 years) which is more in line with the anticipated lifespan of the new transfer stations.

The region's final decision will have a direct impact on disposal rates: higher rates paid over a shorter time period or lower rates paid over a longer time period, depending upon the term of the ILA. If shorter bonds are issued and paid by 2028 then the debt service component of the tipping fee would peak at approximately \$34/ton in 2019. If longer 30-year bonds are issued then the debt service component of the tipping fee would peak at approximately \$23/ton in 2019 – a difference of about 48 percent. By the end of March 2011, the County Executive intends to propose a one-year solid waste disposal rate for 2012 to the KCC in order to provide cities and the County time to negotiate and consider their options. After key decisions have been made regarding the extended ILA and financing options, the KCSWD will re-evaluate the 2012 one-year rate and consider its options which may include a multi-year rate for 2013 and beyond.

#### *ISSUE 2: The Future Solid Waste System*

The transfer station infrastructure upgrade program will provide the opportunity for cities to continue to receive solid waste services from King County well beyond 2028. The ILAs can be extended to a date that more closely aligns with the useful life of the solid waste system or some other long-term date beyond 2028. The disposal system that will be used once the Cedar Hills Regional Landfill closes has yet to be determined. Currently, the Cedar Hills landfill is expected to close in 2024, and it is anticipated that decisions on the next disposal system will be decided at least five years prior to the closure of the landfill. Transfer stations are anticipated to be needed regardless of the post-Cedar Hills disposal system.

#### *ISSUE 3: Governance/Partnership between the Cities and King County*

The work between the cities and the County in developing the Transfer Plan and the Comp Plan is a model for regional collaboration. Memorializing that partnership approach and decision-making process for the regional solid waste system in the ILAs would continue this collaborative approach into the future. This would include incorporation of milestones that are tied to key decisions on financing, changes in technology and waste export among others. This approach would include a process for cities and the county to collaborate on significant decisions affecting financing, facilities, and new technology for the regional system.

Some of the specific issues identified by cities to be included in the ILA negotiations with the KCSWD are listed in the attached Draft ILA Review Committee Work Plan. The Committee will develop recommendations for MSWMAC review for each issue. The Committee will refine MSWMAC recommendations and provide a final copy for MSWMAC review and concurrence. Updates on the progress of the ILA negotiations will be provided to all cities via numerous methods to include fact sheets and other materials, presentations at City Manager Meetings and Suburban Cities Association meetings, and to any City that requests a tailored presentation.

*Specific City ILA Issues*

For the sake of brevity, not all of the issues identified in the Committee's work plan will be presented in this memo and only the key, emergent issue of importance to Kirkland will be discussed in detail below. KCWSD and Kirkland City staff are prepared to answer questions pertaining to any issues not discussed at the study session.

Host City Mitigation

As a host city, Kirkland has worked closely with the County over the past several years to ensure that the local impacts of the HTS are minimized and mitigated. Some of the measures taken by the County to mitigate the effects of the HTS have included ongoing litter control; a noise wall, restrictions on full trailer storage; rerouting of hauler collection vehicles away from the adjacent neighborhood; a pedestrian pathway; and, recently, a roof repair. Other host communities have received similar mitigation measures, some comparable to HTS and some unique to their location. Cities are interested in ensuring that any and all reasonable mitigation measures are available to them including mitigation measures linked to the damage transfer vehicles may cause to host city streets.

Direct Billing of Disposal Fees

In current solid waste contracts, the hauler is responsible for paying disposal fees ("tipping fees") directly to the KCSWD. The tipping fee portion of the solid waste rate is apportioned equally across the customer base by cart and detachable container size and is based upon an estimated, negotiated baseline container weight at the beginning of the contract. Under this system, the contractor bears the financial risk if actual average container weights are higher than estimated but gains a financial benefit if actual average container weights are lower than estimated.

Kirkland's new contract with Waste Management includes the option for the City to pay disposal fees directly to the KCSWD. It is important to note that this option is currently not unavailable to cities due to the KCSWD's continued opposition. However, the direct payment option is supported by a number of cities as a way to save their ratepayers money and will be actively pursued during ILA negotiations.

The direct payment of tipping fees by the City provides several advantages and benefits to the rate payer:

- It effectively eliminates the potential for the contractor to gain a profit when the container weights come in lower than projected;
- It eliminates any potential for the contractor to profit from a hidden mark-up on the disposal component of the solid waste rate;
- It eliminates the cascading tax assessment effect in which three parties (the City, the KCSWD, and the hauler) pay B & O tax on the same disposal receipts; and
- It provides the City with a direct, real-time benefit from its waste diversion and recycling programs.

However, direct payment of tipping fees would also entail some costs and complexity to the cities. To be successful such a direct payment plan requires a robust auditing function to ensure that tonnage charged to city is actually collected only from residents

in the city. While it is likely that direct payment would be a net benefit, should this option become available, Kirkland would conduct a cost/benefit analysis before proposing such a switch.

The KCSWD has opposed this option on a variety of different grounds:

- The KCSWD has commercial agreements with haulers that deal with the use of transfer stations and those understandings cover not only damage to facilities by trucks and contractor actions, but also who is responsible for unacceptable or otherwise dangerous loads. Under a direct payment scenario, a city would be in the responsibility loop for unacceptable loads and the contractors would be responsible for the actions of their drivers.
- The KCSWD has characterized the elimination of the cascading B & O tax assessment as an attempt at tax avoidance.
- Cities are not defined as "users" and the County is restricted from having transfer station use/disposal payment agreements with cities with "commercial" use terms.

#### Rent on the Cedar Hills Landfill

From 1960 until 1992, King County leased the Cedar Hills property from the Washington State Department of Natural Resources. The State of Washington transferred the property to the County in 1992 in exchange for a nominal payment and the County accepted full liability for any claims related to the landfill. This includes both liability during operation of the site and long term liability which would extend beyond closure and perhaps beyond the life or assets of the utility.

In 2002, the County made a determination that the KCSWD should have been paying rent to the King County General Fund for use of the landfill property. The County initially proposed to collect rent back to 1992 in addition to rent for ongoing operations. In the interest of addressing objections raised by some cities, the back rent was not assessed. The State Auditor's Office reviewed this action and found prospective rent to be acceptable.

Cushman & Wakefield performed a Market Rent Appraisal in 2003. The rent was based on a present value calculation for remaining landfill capacity. The appraisal valued the landfill capacity at \$60 million based on the following factors:

- Cedar Hills Capacity – at that time the landfill was forecasted to close in 2012; the current forecast is closure in approximately 2024
- Tonnage Forecasts – tonnage is currently significantly below past forecasts
- Seattle Waste Export Cost – this was used as a benchmark for the market value of disposal services; the current cost is about \$8.00 less than what was forecast at the time of the appraisal

Based on the appraisal, the County established rent schedule for the KCSWD that commenced at \$7 million in 2004 and rises annually by an inflationary factor with a final payment in 2014. Since the rent paid on Cedar Hills comprises \$10.74/ton (10%) of the proposed \$108/ton 2012 King County tipping fee, cities are very interested in ensuring



the validity and necessity of the rent payment scheme and ensuring the accurate valuation of the remaining landfill capacity.

#### ILA NEGOTIATION AND ADOPTION SCHEDULE

The following schedule outlines the proposed sequence and timing of the ILA renegotiation process:

Feb-June 2011:	Develop recommendations and draft amendments to the ILA
July-Sept 2011:	Finalize recommendations and amendments to the ILA
Oct-Mar 2012:	Cities adoption process for amendments to the ILA
Apr-June 2012:	KCC adoption process for amendments to the ILA
June-Aug 2012:	KCC adopts a new multi-year rate

This schedule assumes that KCC will adopt a one-year rate in 2012, with a subsequent multi-year rate adopted in 2013. The multi-year rate will be impacted by the term of debt for the required bonds.

#### OPTIONS AND STAFF RECOMMENDATION

The viable options are presented below:

Option 1: Do not support the extended ILA negotiation process and support financing of the transfer system capital investments within the next 17 years or less within the existing ILA;

Option 2: Support the ILA negotiation process to improve existing term and conditions, as well as extending the term of the ILAs to allow longer time term financing (20-30 years) which is more in line with the anticipated lifespan of the new transfer stations;

**Staff recommends that the City Council support Option 2.** Membership in the King County solid waste management system and the ability to take advantage of its economy of scale has played large role in our ability to keep our solid waste rates low. The fees charged by the KCSWD to its member cities have been consistently among the lowest in the region. The improvements recommended in the Transfer Plan will ensure that member cities have access to a modern and efficient system for decades to come.

Due to the circumstances surrounding the bonding and the financing of the Transfer Plan, both the County and the member cities are motivated to collaboratively negotiate a new extended ILA. The negotiation of a new extended ILA provides the member cities with a unique opportunity to not only gain the benefits and access to a modernized transfer system but to concurrently improve the terms and conditions ILA and resolve many of key issues that have arisen since the dated 1988 agreement was signed.

The longer term (20-30 year) bonding option should result in lower rates over a longer period of time and will ensure that the financing is spread across the anticipated lifespan of the new transfer stations. Discussion of other issues noted above, such as rent on the Cedar Hills Landfill and direct billing of disposal fees, also has the potential for reducing future costs and solid waste rates to Kirkland's customers.

# King County Solid Waste System

Kirkland City Council

April 5, 2011



Department of Natural Resources and Parks

**Solid Waste Division**

# A Collaborative Approach to System Planning

- ❑ In 2004, ordinance 14971 established a process for collaborative participation by the cities in solid waste planning
- ❑ The Metropolitan Solid Waste Management Advisory Committee (MSWMAC) was formed and has been meeting since January 2005
- ❑ MSWMAC has 22 member cities represented by both elected officials and staff
- ❑ Kirkland elected officials and staff have been active participants on MSWMAC
- ❑ MSWMAC and the division collaborated on the development of the *Comprehensive Solid Waste Management Plan* and the adopted *Solid Waste Transfer and Waste Management Plan*

# Evaluating the Transfer System

- ❑ An iterative process of analysis and reporting resulted in the development and adoption of a major renovation plan for the transfer system network
- ❑ Evaluation criteria were applied to five of the six urban stations – Algona, Bow Lake, Factoria, Houghton, and Renton
- ❑ 17 criteria were grouped into broad categories
  - Level of service to customers
  - Station capacity and structural integrity
  - Effects on surrounding communities

# The Houghton Transfer Station

- ❑ The Houghton Transfer Station opened in 1965
- ❑ The transfer station replaced a landfill that had been operating since about 1945
- ❑ The neighborhood has grown up around the site, making it no longer a suitable location for the facility
- ❑ Evaluation determined that the Houghton Transfer Station was incompatible with surrounding residential and recreational land use

# The Transfer System Plan

The plan recognizes the need to modernize the county's urban transfer system

- ❑ To increase capacity, for both now and the future
- ❑ To meet demands for recycling services and transfer of household hazardous waste
- ❑ To increase operational efficiency
- ❑ To create a sustainable system
- ❑ To ensure continued service

# The Urban Transfer System

Current	Planned
Shoreline Recycling & Transfer Station	Complete – new recycling and transfer station opened in February 2008
Bow Lake Transfer Station	New facility under construction – Phase 1 to open in 2012
Factoria Transfer Station	Facility Master Plan at King County Council – rebuild facility at current location and on adjacent property, do not build on Eastgate property
Algona Transfer Station	Siting for a new south station to begin in 2011 – close Algona and open new station in 2018
Houghton Transfer Station	Siting for a new NE station to begin in 2011 – close Houghton and open new station in 2018
Renton Transfer Station	Close when transfer system upgrades are complete (subject to further evaluation)

# Roof Renovation & Mitigation Project

- ❑ The transfer building roof was raised by nine feet, strengthened, and seismically upgraded
- ❑ A sound wall was installed along the western property boundary and the trail that runs alongside was upgraded
- ❑ A pedestrian pathway, with a curb and crosswalk markings across the driveway entrances to the transfer station, was added to NE 60th between 116th and 120th
- ❑ The trailer parking area was reconfigured to increase the maneuvering area and improve safety and hoses were installed for washing the area
- ❑ The wastewater collection system was upgraded
- ❑ A large screening wall depicting a natural forest image similar to the forest at Bridle Trails State Park will be installed on the south side of the transfer building



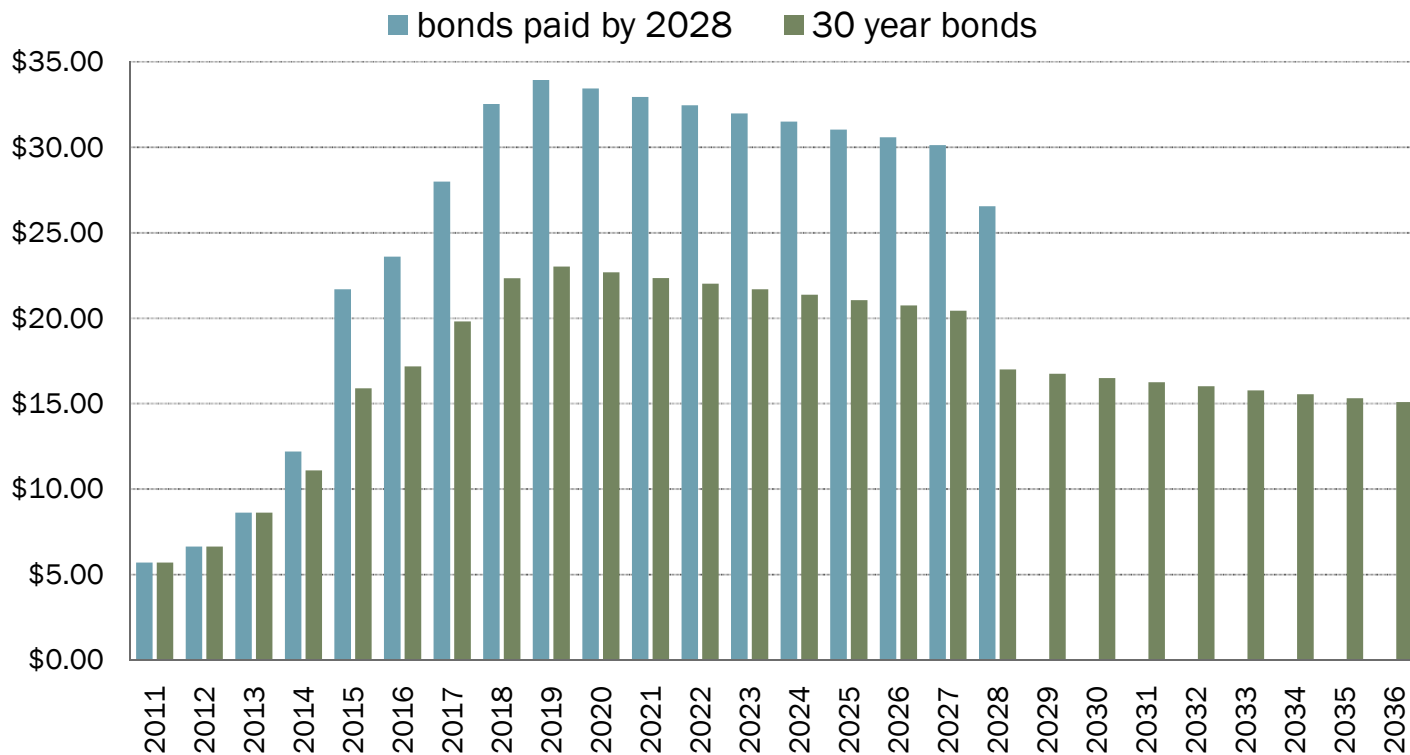
# New Facility Design Features



- ❑ Fully enclosed transfer building
- ❑ Compactors to increase efficiency and decrease the number of loads
- ❑ Large recycling area – including organics, cardboard, and scrap metal collection
- ❑ Flexibility to change services, such as types of recyclables accepted, as needs change
- ❑ Sustainable building and landscape
- ❑ Design and landscaping to minimize view of the facility
- ❑ Improved access and queuing for commercial haulers and residential and business self-haulers

# Financing the Transfer Plan

- ❑ Construction of new transfer facilities will be financed primarily through general obligation bonds
- ❑ Length of bonds will affect rates



# Solid Waste Interlocal Agreements

- ❑ The current Interlocal Agreements (ILAs) between 37 cities and King County will expire in 2028
- ❑ The ILAs guarantee that cities will bring their waste to the county
- ❑ To protect system ratepayers, ensuring adequate revenue to repay bonds is critical – all bonds must be repaid before the expiration of the ILAs
  - Shorter bonds that are repaid by 2028
  - or
  - Longer ILAs and bonds of greater length

# Looking Forward

- ❑ Life of the Cedar Hills landfill extended to at least 2024
- ❑ Implementing the transfer system plan – begin siting process for a new Northeast facility later this year
- ❑ New Comprehensive Solid Waste Management Plan
- ❑ New solid waste rate for 2012
- ❑ Interlocal agreement discussions
- ❑ Ongoing, collaborative relationship

**Solid Waste ILA Review Committee**  
**DRAFT Work Plan**  
March 2011

**Purpose Statement:**

*The cities and county will work in partnership to review and implement the current Interlocal Agreements (ILAs) governing the regional solid waste system and to plan future agreements, including governance, facilities, and financing.*

**Work Process:**

The Solid Waste ILA Review Committee will develop recommendations for MSWMAC review for each issue within a defined timeframe and structure. The Committee will incorporate MSWMAC's recommendations and provide a final copy for MSWMAC review and concurrence. Depending on the complexity of an issue, discussions may iteratively occur at numerous Committee and MSWMAC meetings to arrive at agreement on recommendations.

The Solid Waste ILA Review Committee will meet the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of each month to accomplish this work.

**Schedule:**

Feb to June 2011:	ILA Committee: Develop Recommendations and Draft Amendments to the ILAs
July to Sept 2011:	ILA Committee: Finalize Recommendations and Amendments to the ILAs
Oct to Mar 2012:	Cities adoption process for Amendments to the ILAs
Apr to June 2012:	King County Council adoption process for Amendments to the ILAs
June to Aug 2012:	King County Council adopts new multi-year rate

This schedule assumes that King County will adopt a one-year rate in 2011, with a subsequent multi-year rate adopted in 2012. The multi-year rate will be impacted by the term of debt for required bonds.

**Key Issues:**

Financing the Transfer Station System: The region's transfer stations were built in the 1960s and are old and inefficient. The county and cities collaborated on the development of a transfer station plan to invest in new transfer stations with a potential life of 40+ years. Capital investments associated with the plan are financed from bonds that are re-paid from revenue received from disposal rates adopted by the King County Council. The term of financing for bonds is linked to the term of the ILAs, which currently end in 2028.

The region faces choices of:

1. financing these capital investments within the next 17 years or less, or
2. extending the term of the ILAs to allow longer time term financing (e.g., 20-30 years) more in line with the anticipated lifespan of the new transfer stations

The choice impacts disposal rates: higher rates paid over a shorter time period or lower rates paid over a longer time period, depending on the term of the ILA.

By the end of March, the County Executive intends to propose to the County Council a one-year solid waste disposal rate for 2012 in order to provide the cities and the county time to consider this choice.

Future Solid Waste System: The transfer station infrastructure upgrade will provide the opportunity for cities to continue to receive solid waste services from King County well beyond 2028. The ILAs can be extended to a date that more closely aligns with the useful life of the solid waste system or some other long-term date beyond 2028. The disposal system that will be used once the Cedar Hills regional landfill closes has yet to be determined. Currently, the Cedar Hills Regional Landfill is expected to close in 2024 and it is anticipated that decisions on the disposal system will be decided at least five years prior to the closure of the landfill. Transfer stations are anticipated to be needed regardless of the post-Cedar Hills disposal system.

Governance/Partnership between the Cities and County: The work between the cities and county in developing the *Solid Waste Transfer and Waste Management Plan* and the *Comprehensive Solid Waste Management Plan* is a model for regional collaboration. Memorializing that partnership approach and decision-making process for the regional solid waste system in the ILAs would continue this collaborative approach in the future. This would include incorporation of milestones that are tied to key decisions on financing, changes in technology and waste export, among others. This approach would include a process for cities and the county to collaborate on significant decisions affecting financing, facilities and new technology for the regional system.

A list of issues to be reviewed by the Solid Waste ILA Review Committee is attached to this Work Plan.

**Outreach:**

The Solid Waste Division will develop fact sheets on the following items:

- Solid Waste Transfer Station and System Plan
- Cedar Hills Regional Landfill and Disposal Alternatives
- Interlocal Agreements (ILAs) Governing Solid Waste System (ILAs terms)
- Rates
- Rent paid for Cedar Hills Landfill
- Emergency Planning

Information and updates on this ILA Review Work will be provided to all cities via numerous methods, including distribution of the Work Plan, fact sheets, and any other materials that are developed; presentations at City Manager/Administrator Meetings, Suburban Cities Association Meetings, and to any City that requests a presentation, and as opportunities become available to inform and update cities.

## **Metropolitan Solid Waste Management Advisory Committee (MSWMAC)**

The Metropolitan Solid Waste Management Advisory Committee (MSWMAC) is an advisory committee consisting of representation from any city in King County with an Interlocal Agreement for the provision of solid waste services from King County (all cities except Seattle and Milton). MSWMAC was created in 2004 upon the adoption of Ordinance 14971; the committee was established to be a collaborative forum to provide input in the development of the Solid Waste Transfer and Waste Export System Plan (adopted by the County in 2007) and provide recommendations to the King County Executive and King County Council on solid waste plans, programs, and issues of concern to cities.

The following cities currently have designated representation on MSWMAC:

Algona	Auburn	Bellevue
Bothell	Burien	Clyde Hill
Covington	Federal Way	Kenmore
Kent	Kirkland	Lake Forest Park
Mercer Island	Newcastle	Normandy Park
Redmond	Renton	SeaTac
Shoreline	Snoqualmie	Tukwila
Woodinville		

## **Solid Waste ILA Review Committee**

The following entities are participating on the Solid Waste ILA Review Committee:

### **Cities:**

Algona  
Burien  
Bellevue  
Federal Way  
Kirkland  
Lake Forest Park  
Redmond  
Shoreline  
Snoqualmie  
Woodinville

### **King County:**

Executive's Office  
Department of Natural Resources and Parks, Director's Office  
Solid Waste Division  
Council staff

## **Solid Waste ILA Review Committee Issues for Review**

Following is an aggregation and categorization of the ILA issues from the Governance Report as well as from the ILA Committee meetings:

### **Governance Issues:**

Solid Waste Interlocal Forum  
Dispute Resolution Language  
Host City Mitigation  
Milestones/Decision-making process  
Weighted Voting

### **Financial Issues:**

Financial Policies ( including Direct Billing)  
Transparency and Accountability  
Rent on the Cedar Hills Landfill  
Financing the Transfer Station system  
Stranded Costs/Differential Rate  
Debt Ceiling  
Rates  
Cost Containment

### **Other Issues:**

Emergency Planning  
ILA Term  
Termination/Re-opener language

### **Issues for Small Group Meetings:**

Cross Border Annexations





## **CITY OF KIRKLAND**

### **City Manager's Office**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**

**[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Marie Stake, Communications Program Manager  
**Date:** March 29, 2011  
**Subject:** April as Child Abuse Prevention Month Proclamation

### RECOMMENDATION:

City Council authorizes the Mayor to sign the April as "Child Abuse Prevention Month" Proclamation.

### BACKGROUND DISCUSSION:

Gayle Zawaideh, advisory board member of the Children's Response Center, will be present at the April 5<sup>th</sup> City Council meeting to receive the Child Abuse Prevention Month Proclamation. The Children's Response Center provides services for children who have been sexually assaulted or are victims of other trauma via legal and medical advocacy, as well as counseling. The Center raises community awareness about the issue of child abuse and provides training on issues such as child maltreatment and prevention of abuse. The City of Kirkland funds the Children's Response Center at \$33,544 for 2011-2012.

The City Council has supported the Child Abuse Prevention Month Proclamation since 2002.

Contact information for Children's Response Center:

**Children's Response Center**  
**Harborview**  
[www.childrensresponsecenter.org](http://www.childrensresponsecenter.org)

Sexual Assault  
Services

Provides crisis intervention and counseling services to children and their families.



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Proclaiming April as “Child Abuse Prevention Month” in Kirkland, Washington

**WHEREAS**, every child deserves to be cared for in a safe and nurturing environment; and

**WHEREAS**, safe and healthy childhoods help produce confident and successful adults;  
and

**WHEREAS**, child abuse and neglect can be reduced by making sure every family has the  
support they need and deserve to raise their children in a healthy environment; and

**WHEREAS**, no one person can do everything, but everyone can do something, and  
together we can create change for the better; and

**WHEREAS**, Children’s Response Center serves the Kirkland community by providing  
support to children and families who have been impacted by abuse, and promotes  
awareness on issues concerning child abuse; and

**WHEREAS**, the Kirkland Police Department’s Family Violence Unit and the Parks and  
Community Services Department’s Human Services Program support the Children’s  
Response Center; and

**WHEREAS**, dialing the Washington State Department of Social & Health Services’ toll free  
number 1-866-END HARM to report suspected child abuse or neglect helps protect the  
vulnerable; and

**WHEREAS**, displaying a pinwheel or blue ribbon in April will serve as a positive reminder  
that together we can prevent child abuse and keep children safe;

**NOW, THEREFORE**, I, Joan McBride, Mayor of the City of Kirkland, do hereby proclaim  
April as *Child Abuse Prevention Month* in the City of Kirkland, and I urge all citizens to  
seek help if they need it, to report child abuse, and to join me in this special observance.

Signed this 5<sup>th</sup> day of April, 2011

---

Joan McBride, Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
March 15, 2011

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Councilmember Jessica Greenway,  
Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember  
Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Joint Meeting with the Planning Commission

Joining Councilmembers for this discussion in addition to City Manager Kurt Triplett were Director of Planning and Community Development Eric Shields, Deputy Director Paul Stewart, Senior Planner Joan Lieberman Brill, Planning Commission members Andy Held, Byron Katsuyama, Mike Miller, Jon Pascal, George Pressley, Glenn Peterson, Karen Tennyson, Vice Chair Jay Arnold and Chair C. Ray Allshouse.

4. LODGING TAX ADVISORY COMMITTEE INTERVIEW

a. Belinda Jensen

Motion to appoint Belinda Jensen to a one-year term ending 3/31/12 on the Lodging Tax Advisory Committee.

Moved by Deputy Mayor Penny Sweet, seconded by Councilmember Dave Asher  
Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway,  
Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway,  
Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience

Susan Thornes  
Jeff Howard  
Bill Vadino  
Claudette Seth  
Bea Nahon  
Brian Brand

- c. Petitions

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

- a. Approval of Minutes:

(1) March 1, 2011

(2) March 9, 2011

- b. Audit of Accounts:  
Payroll \$ 1,852,866.53  
Bills \$ 2,003,594.28  
run # 989 check # 523796  
run # 990 checks # 523951 - 524079  
run # 991 checks # 524105 - 524283

- c. General Correspondence

- d. Claims

- e. Award of Bids

(1) The contract for the 6th Street And Central Way Intersection Improvements Project Phase 1, in the amount of \$1,136,211.13, was awarded to Sanders General Construction of Issaquah, Washington.

- f. Acceptance of Public Improvements and Establishing Lien Period

- g. Approval of Agreements

(1) Resolution R-4870, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL PROCUREMENT AGREEMENT WITH SNOHOMISH COUNTY FIRE DISTRICT 1 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND."

(2) Resolution R-4871, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT ESTABLISHING THE COMMUNITY CONNECTIVITY CONSORTIUM BETWEEN THE CITY OF KIRKLAND OTHER GOVERNMENT AGENCIES FOR THE CONSTRUCTION AND MANAGEMENT OF FIBER OPTIC PROJECTS."

(3) Resolution R-4872, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE SEATTLE DEPARTMENT OF PARKS AND RECREATION, THE UNIVERSITY OF WASHINGTON, THE PORT OF SEATTLE, THE CITIES OF BELLEVUE, EDMONDS, KENT, RENTON, SEATAC, MOUNTLAKE TERRACE, TUKWILA, WOODINVILLE AND KIRKLAND TO MANAGE WATERFOWL."

h. Other Items of Business

(1) Align Renewal of Regulatory Licenses to the Business License Renewal Date:

This item was pulled from the Consent Calendar and moved for consideration under Unfinished Business as item 10.b.

a. Ordinance No. 4293 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING AND REGULATION OF CABARETS."

b. Ordinance No. 4294, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING OF AMUSEMENT DEVICES.'

(2) Resolution R-4873, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND, KING COUNTY FIRE PROTECTION DISTRICT #41 AND KING COUNTY REGARDING THE ANNEXATION OF THE WILD GLEN AREA."

(3) ARCH Work Program and Budget

(4) NE 116th Street Interchange and Street Improvements Project - Utility Agreement Budget Update

An increase was approved in the amount of \$32,000 in water/sewer reserve funding to pay for upgrades to the City's water system as part of a Washington State Department of Transportation Interchange Project.

(5) Lodging Tax Advisory Committee Resignation

Member Les Utley's resignation was acknowledged.

(6) Report on Procurement Activities

Motion to Approve the Consent Calendar with the exception of item 8.h.(1)., which was pulled for consideration under Unfinished Business item 10.b.

Moved by Councilmember Amy Walen, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

a. 2011 Legislative Update 4

Intergovernmental Relations Manager Lorrie McKay first provided a report on State House Bill 1812, followed by statements and comments from City Councilmembers; she then followed up with a status report on items on the City's legislative agenda.

b. Align Renewal of Regulatory Licenses to the Business License Renewal Date

This item was pulled from the Consent Calendar, Item 8.h.(1).

(1) Ordinance No. 4293 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING AND REGULATION OF CABARETS."

Motion to Approve Ordinance No. 4293, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING AND REGULATION OF CABARETS."

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Doreen Marchione, Mayor Joan McBride, Councilmember Bob Sternoff, Deputy Mayor Penny Sweet, and Councilmember Amy Walen.

(2) Ordinance No. 4294, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING OF AMUSEMENT DEVICES."

Motion to approve Ordinance No. 4294, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING OF AMUSEMENT DEVICES."

Moved by Councilmember Jessica Greenway, seconded by Councilmember Amy Walen

Vote: Motion carried 5-2

Yes: Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

No: Councilmember Bob Sternoff, and Councilmember Dave Asher.

#### 11. NEW BUSINESS

- a. Ordinance No. 4295, Amending the Biennial Budget for 2011-2012

Finance and Administration Director Tracey Dunlap provided an overview of the proposed adjustments.

Motion to approve Ordinance No. 4295, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2011-2012."

Moved by Councilmember Dave Asher, seconded by Councilmember Bob Sternoff  
Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

- b. Resolution R-4874, Authorizing the City Manager to Execute the Comprehensive Garbage, Recyclables and Compostables Collection Agreement with Waste Management, Inc.

Solid Waste Coordinator John McGillivray and Assistant City Manager Marilynne Beard reviewed the proposed contract and responded to Council questions and comment.

Motion to approve Resolution R-4874, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE THE COMPREHENSIVE GARBAGE, RECYCLABLES AND COMPOSTABLES COLLECTION AGREEMENT WITH

WASTE MANAGEMENT, INC."

Moved by Councilmember Bob Sternoff, seconded by Councilmember Jessica Greenway

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

c. Expenditure of Lodging Tax Reserves and Name Change

Motion to Approve up to \$15,000 in LTAC budget reserves to help outfit a visitor's center at the new location of the Kirkland Downtown Association and Greater Kirkland Chamber of Commerce and the name change of the Committee to the Tourism Development Committee.

Moved by Councilmember Dave Asher, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

Yes: Councilmember Bob Sternoff, Councilmember Doreen Marchione, Deputy Mayor Penny Sweet, Councilmember Dave Asher, Councilmember Jessica Greenway, Councilmember Amy Walen, and Mayor Joan McBride.

Council recessed for a short break.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding attendance at the Kirkland first annual Fireman's Ball; Suburban Cities Association Public Issues Committee; Ethics Committee report; Legislative dinner; Annexation bill; Eastside Transportation Partnership meeting; Finn Hill Fire Station community meeting; Board and Commission interviews; Legislative testimony; Appreciation for community volunteers; Transportation Oriented Development meeting; Robert Frost elementary reading; Cachet awards; King County Executive quarterly annexation meeting; Lakeside Mayors meeting; and Tent City 4.

b. City Manager

(1) Calendar Update

City Manager Triplett provided updates on Burlington Northern Santa Fe (BNSF) Trail property purchase negotiations with the Port of Seattle, and a progress report on the Finn Hill Fire Station.



13. ITEMS FROM THE AUDIENCE

Toby Nixon

14. ADJOURNMENT

The Kirkland City Council regular meeting of March 15, 2011 was adjourned at 10:08 p.m.

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City Clerk

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Mayor

# CITY OF KIRKLAND CITY COUNCIL

Council Meeting: 04/05/2011  
Agenda: Approval of Minutes  
Item #: 8. a. (2).



Joan McBride, Mayor • Penny Sweet, Deputy Mayor • Dave Asher • Jessica Greenway  
Doreen Marchione • Bob Sternoff • Amy Walen • Kurt Triplett, City Manager

## *Vision Statement*

*Kirkland is an attractive, vibrant, and inviting place to live, work and visit.  
Our lakefront community is a destination for residents, employees and visitors.  
Kirkland is a community with a small-town feel, retaining its sense of history,  
while adjusting gracefully to changes in the twenty-first century.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY 425.587.3111 • [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

## AGENDA KIRKLAND CITY COUNCIL TOTEM LAKE AND KINGSGATE NEIGHBORHOODS SPECIAL COUNCIL MEETING

Kamiakin Jr. High School  
14111 132<sup>nd</sup> Avenue N.E.

Wednesday, March 16, 2011  
7:00 – 8:45 p.m.

- |                  |   |
|------------------|---|
| 6:45 – 7:00 p.m. | 1. Informal Casual Conversations                      |
| 7:00 – 7:05 p.m. | 2. Welcome and Introduction – Mayor Joan McBride      |
| 7:05 – 7:10 p.m. | 3. Welcome and Introduction of Neighborhood Leaders   |
| 7:10 – 7:30 p.m. | 4. Introductions from City Council Members            |
| 7:30 – 8:45 p.m. | 5. General Discussion and Questions from the Audience |
| 8:45 p.m.        | 6. Adjourn  |
| 8:45 – 9:00 p.m. | 7. Social Time  |

Mayor Joan McBride called the March 16, 2011 Kirkland City Council Special Meeting to order at 7:02 p.m. The following members of the City Council were present: Mayor Joan McBride, Deputy Mayor Penny Sweet, Councilmembers Dave Asher, Jessica Greenway, Doreen Marchione, Bob Sternoff, and Amy Walen.

The Kirkland City Council Special Meeting was adjourned at 8:51 p.m.

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City Clerk

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Mayor

## **KIRKLAND CITY COUNCIL RETREAT**

### **Special Meeting Minutes Kirkland City Hall Peter Kirk Room March 20 & 21, 2011**

#### **Monday, March 20, 2011**

The meeting was called to order at 9:02 a.m. Councilmembers in attendance were Mayor Joan McBride, Deputy Mayor Penny Sweet, Dave Asher, Jessica Greenway, Doreen Marchione, Bob Sternoff and Amy Walen. On the agenda for discussion were: Agenda Overview and Housekeeping, Strategic Planning - How to Get from Goals to Outcomes including overview of the business planning cycle, review of Council goals, and Alignment of the work plan and budgeted items to current goals, and Council discussion regarding refinement of goals.

Council took short breaks at 10:30 a.m. and 3:00 p.m. in addition to a noon lunch break.

Discussion continued regarding financial context of Kirkland's next budget process, the result of Council interviews about Kirkland's budget process and outcomes, overview of city budget models including Kirkland's current process, Redmond priorities of government, King County Blue Ribbon panel, the City of Shoreline citizen advisory group. Discussion also included the 2013-2014 City of Kirkland Budget.

The meeting was adjourned at 5:03 p.m. until the following day.

#### **Tuesday, March 21, 2011**

The meeting was called to order at 9:03 a.m. Councilmembers in attendance were Mayor Joan McBride, Deputy Mayor Penny Sweet, Dave Asher, Jessica Greenway, Doreen Marchione, Bob Sternoff and Amy Walen. After discussion, Council departed at 10:00 a.m. for a tour of the annexation area.

The meeting was adjourned at the close of the tour at 12:10 p.m.

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City Clerk

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Mayor



**CITY OF KIRKLAND**  
**Department of Finance and Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
**www.ci.kirkland.wa.us**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** March 24, 2011  
**Subject:** CLAIM(S) FOR DAMAGES

**RECOMMENDATION**

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages And refer each claim to the proper department (risk management section) for disposition.

**POLICY IMPLICATIONS**

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.(040)).

**BACKGROUND DISCUSSION**

The City has received the following Claim(s) for Damages from:

- (1) The Bowie Place Homeowners Association  
c/o Best Management Company  
P.O. Box 282  
Kirkland, WA 98083

**Amount:** \$428.49

**Nature of Claim:** Claimant states damage occurred to fence as a result of a falling tree.

- (2) Christine Gelotte  
4500 Hillcrest Avenue  
Juneau, AK 99801

**Amount:** \$209.01

**Nature of Claim:** Claimant states damage occurred to vehicle as a result of a falling tree limb.

- (3) Ellen Miller-Wolfe  
8205 SE 41<sup>st</sup> Street  
Mercer Island, WA 98040

**Amount:** \$260.61

**Nature of Claim:** Claimant states damage occurred to vehicle as a result of debris from grounds keeping equipment.

- (4) Ernest D. Pearce  
11644 132<sup>nd</sup> Court N.E.  
Redmond, WA 98052

**Amount:** \$802.14

**Nature of Claim:** Claimant states damage occurred to vehicle as a result of hitting a center island.

- (5) Hans Ravnaas  
6210 105<sup>th</sup> Avenue NE  
Kirkland, WA 98033

**Amount:** \$12,027.71

**Nature of Claim:** Claimant states damage occurred to residence as a result of a broken storm drain pipe.

- (6) Ruth A. Schafer  
8202 138<sup>th</sup> Avenue NE  
Redmond, WA 98052

**Amount:** \$543.70

**Nature of Claim:** Claimant states damage occurred to vehicle as a result of hitting a pot hole.

- (7) Daniel Thonn  
12029 NE 75<sup>th</sup> Street  
Kirkland, WA 98033

**Amount:** \$5,339.52

**Nature of Claim:** Claimant states damage occurred to residence as a result of a broken water main.

- (8) Everette E. Vermilion  
5701 NE 180<sup>th</sup> St.  
Kenmore, WA 98028

**Amount:** \$172.12

**Nature of Claim:** Claimant states damage occurred to vehicle as a result of debris from grounds keeping equipment.

- (9) Ubon Vongkunthong  
648 11<sup>th</sup> Avenue, Lower  
Kirkland, WA 98033

**Amount:** \$537.00

**Nature of Claim:** Claimant states injury resulted from stepping on an unsecured water irrigation valve.

**CITY OF KIRKLAND**

Department of Public Works

123 Fifth Avenue, Kirkland, WA 98033 425.587.3800

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Dave Snider, P.E., Interim Capital Projects Manager  
Ray Steiger, P.E., Interim Public Work Director

**Date:** March 24, 2011

**Subject:** HERONFIELD WETLANDS BANK STABILIZATION – ACCEPT WORK

**RECOMMENDATION:**

It is recommended that City Council accept the Heronfield Wetlands Bank Stabilization Project, as constructed by Laser Underground of Snohomish, WA, and establish the statutory 45 day lien period. It is also recommended that the balance of Project funds be transferred to the 2011 Annual Replacement of Aging/Failing Infrastructure Program.

**BACKGROUND AND DISCUSSION:**

This Project allowed for the repair and reconstruction of an existing storm water outfall near the corner of NE 120th Street and 110th Ave NE (Attachment A). A number of years of erosion had caused a roadway shoulder failure at the top of a steep embankment directly above the Heronfield wetlands. The existing storm water outfall pipe had been releasing storm runoff onto the steep and highly erosive embankment, and over time this uncontrolled discharge had eroded a deep gorge into that embankment. If left unattended, the embankment would have continued to erode eventually impacting the adjacent right-of-way with a real potential for catastrophic failure of the adjacent sidewalk and roadway. The repairs performed included the installation of a "soldier-pile" retaining wall to protect the sidewalk and roadway. Repairs also included the extension of the storm water outfall pipe to the bottom of the embankment where the flow is now released through a flow dispersion channel.

At their regular meeting on August 3, 2010, City Council awarded the construction contract to Laser Underground in the amount of \$211,631.75; the engineer's estimate was \$223,000. Construction began August 16<sup>th</sup> and was substantially complete on November 8, 2010; the Contractor was paid a total of \$226,760.00. The increased contract amount came as a result of additional materials needed and one change order to extend guard rail along the southern edge of the improvements.

The Annual Replacement of Aging/Failing Infrastructure Program in the CIP, from which this Project was funded, receives \$200,000 per year. As approved by City Council at their August 3<sup>rd</sup> meeting, this Project used a combination of funds from 2008, 2009, and 2010 resulting in a total project budget of \$441,000. Total costs to-date are \$425,900 (Attachment B). Staff's recommendation is that the balance of funds (\$15,074) be transferred to the 2011 Annual Replacement of Aging/Failing Infrastructure Program.

Attachments (2)



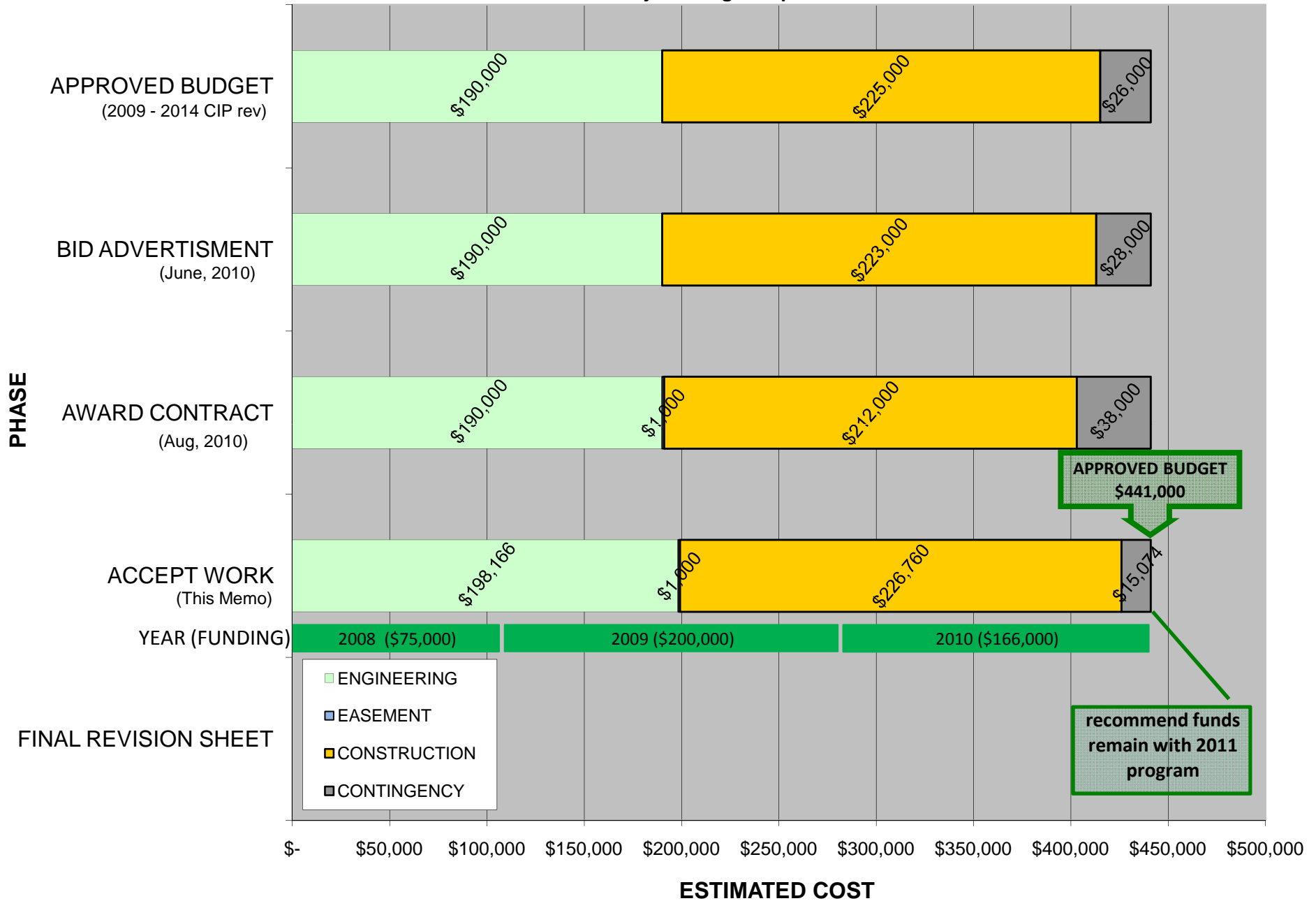
**Annual Replacement of Aging/Failing Infrastructure - Heronfield Wetlands Bank Stabilization Project  
(SD-0947)  
VICINITY MAP**



# Annual Replacement of Aging/Failing Infrastructure Heronfield Wetlands Bank Stabilization Project

Attachment B

## Project Budget Report







## **CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Wm. R. Evans, Assistant City Attorney  
Robin Jenkinson, City Attorney

**Date:** March 24, 2011

**Subject:** Annexation of the Wild Glen Area

### **RECOMMENDATION:**

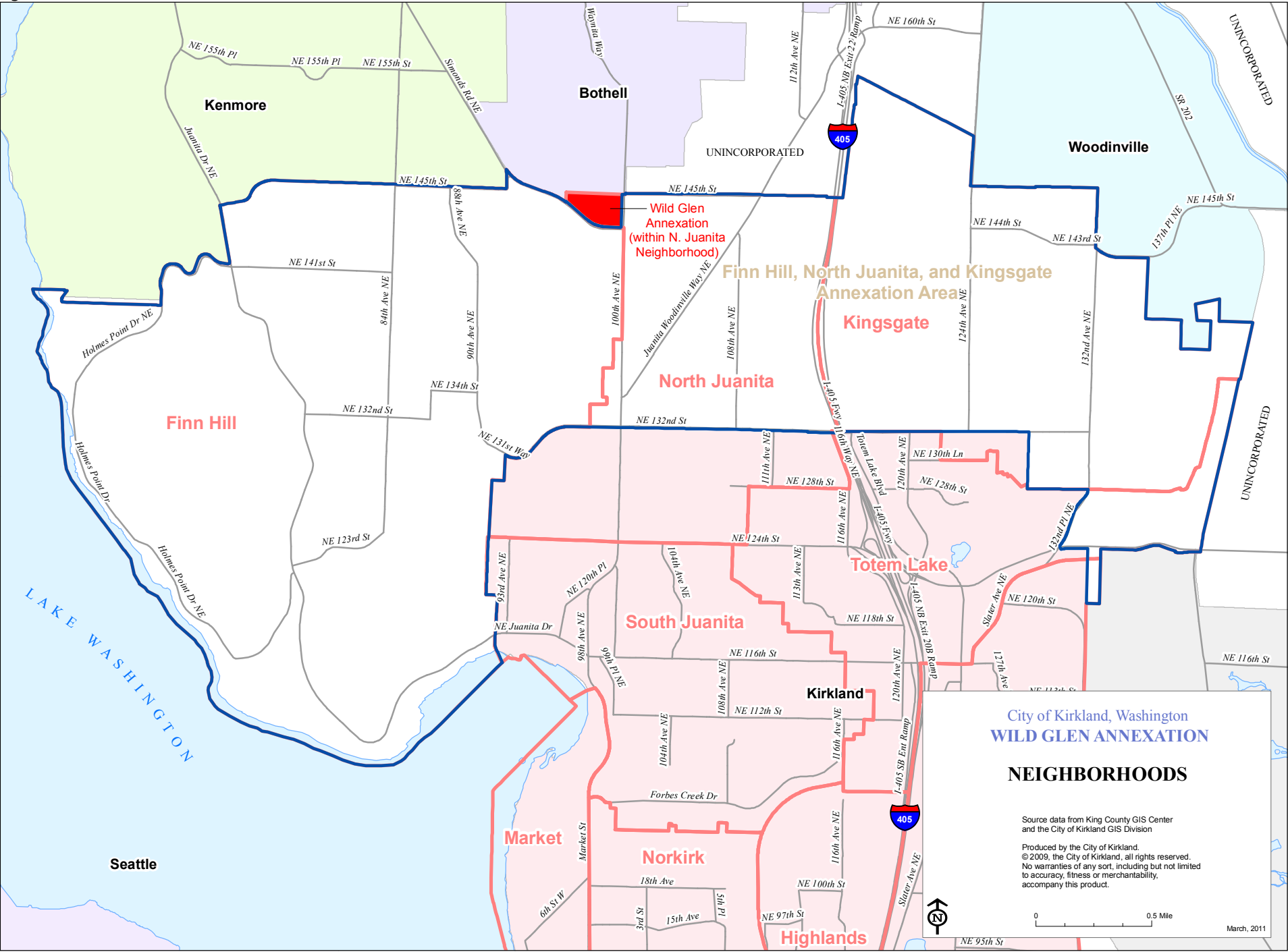
City Council approves the attached ordinance annexing the Wild Glen area to the City of Kirkland.

### **BACKGROUND DISCUSSION:**

Pursuant to the terms of the Interlocal Agreement between the City of Kirkland, Fire Protection District #41 and King County approved by the City Council at its last meeting, this ordinance, which was attached to that Agreement, is scheduled to be heard at its April 5, 2011, meeting. It is needed because conflicting information regarding the boundaries of the City's potential annexation area prevented the Wild Glen condominiums ("Wild Glen") from being included in the annexation of Juanita, Finn Hill and Kingsgate ("JFK annexation"). Though City staff recognized the omission and tried to have Wild Glen included in the boundary, the Boundary Review Board determined it was too late. This meant another annexation would be needed after June 1<sup>st</sup> to include Wild Glen.

To avoid a long period between the initial annexation and the inclusion of Wild Glen in the new Kirkland, both King County and King County Fire Protection District #41 were invited to enter into negotiations for the annexation of Wild Glen pursuant to RCW 35A.14.480. This statute provides that a city, county and fire district can enter into an interlocal agreement that annexes fire district territory to a city so long as neither the county or the district object. Both King County and Fire District #41 accepted and began negotiations to draft an interlocal agreement for the City to annex Wild Glen, which has now been approved by all parties. Further, as demonstrated at the last Council meeting through public testimony, many if not all of the residents of Wild Glen would like to be annexed by the City of Kirkland.

Consequently, pursuant to RCW 35A.14.480, the ordinance attached effecting the annexation of Wild Glen can now be considered by the City Council. If adopted, the Wild Glen annexation will occur on the same day as the JFK annexation, which is set for June 1, 2011.



ORDINANCE No. 4296

AN ORDINANCE OF THE CITY OF KIRKLAND ANNEXING CERTAIN TERRITORY PURSUANT TO RCW 35A.14.480 ON THE TERMS PROVIDED IN THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND, KING COUNTY FIRE PROTECTION DISTRICT #41 AND KING COUNTY REGARDING THE ANNEXATION OF THE WILD GLEN AREA; AND FIXING THE EFFECTIVE DATE OF THE ANNEXATION.

WHEREAS, in 2009 the City of Kirkland ("City") annexed the Juanita/Finn Hill/Kingsgate territory ("JFK Annexation") and provided an effective date for that annexation, which is currently set for June 1, 2011; and

WHEREAS, the Wild Glen condominium complex area ("Wild Glen") would be the only territory remaining to be serviced by King County Fire Protection District #41 ("District") after the City's annexation of the rest of the District's territory and the City, District and King County ("County") therefore believe Wild Glen should be annexed to the City; and

WHEREAS, RCW 35A.14.480 authorizes the City, District and County to enter into an interlocal agreement to effect annexation of unincorporated areas within a fire district to a city on the terms therein contained; and

WHEREAS, to initiate the process of negotiating such an interlocal agreement, the City gave notice to the District and the County of its interest in doing so, which occurred on October 26, 2010; and

WHEREAS, the County and District each agreed negotiations for the annexation of Wild Glen by interlocal agreement should begin by letters dated November 12, 2010, and December 2, 2010, respectively; and

WHEREAS, the City, District and County concluded those negotiations and presented the Interlocal Agreement between the City of Kirkland, King County Fire Protection District #41 and King County Regarding the Annexation of the Wild Glen Area ("Agreement") to their governing bodies for approval; and

WHEREAS, those governing bodies approved the Agreement and authorized the signing thereof by their respective representatives,

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Annexation of Property. All property within Wild Glen, the boundaries of which are described below, is annexed to and made a part of the City.

That portion of Section 19, Township 26 North, Range 5 East W.M. in King County, Washington described as follows:

Beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 19; Thence east along the north line of said Section 19 and the south limits of the City of Bothell as established by City of Bothell Ordinance Number 225 to the west margin of 100<sup>th</sup> Avenue NE; Thence south along the west margin of 100<sup>th</sup> Avenue NE to the northerly margin of Simonds Road Northeast; Thence northwesterly along the northerly margin of Simonds Road Northeast to the west line of said Northeast Quarter of the Northeast Quarter of Section 19 and the limits of the City of Bothell as established by City of Bothell Ordinance Number 960; Thence north along said west line to the Point of Beginning.

Section 2. Taxation. All property within Wild Glen annexed by this Ordinance shall be assessed and taxed at the same regular property tax rate and on the same basis as other property within the City. Voter-approved indebtedness of the City outstanding as of the effective date of the annexation shall not be assumed by the property within Wild Glen by this Ordinance, nor shall excess property taxes for payment of any such indebtedness be levied against property within that annexed area. However, consistent with Ordinance 4229, a portion of the District levy associated with outstanding debt of the District will remain in place until that debt is retired.

Section 3. Zoning. The property within Wild Glen shall be subject to the zoning regulations and zoning map established in Ordinance 4196.

Section 4. Transition. To the extent applicable, the transition to services being provided to Wild Glen by the City instead of the County will be done in accordance with the Interlocal Agreement between the City of Kirkland and King County relating to the Annexation of the Juanita-Finn Hill-Kingsgate Annexation Area now being negotiated by the City and County.

Section 5. Effective date of annexation. The effective date of this Wild Glen annexation shall be on the same day as the effective date of the JFK annexation but immediately thereafter, which is currently set for June 1, 2011.

Section 6. The City Clerk shall file a certified copy of this Ordinance and other documentation as required by law with the King County Council, Treasurer and Assessor; the state Office of Financial Management and Department of Revenue, and as otherwise required by law.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. Effective date of ordinance. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2011.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



## **CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Marilynne Beard, Assistant City Manager  
Eric Shields, Planning Director

**Date:** March 24, 2011

**Subject:** Interim Zoning Ordinance for the North Kirkland Community Center Sign and Public Message Policy, File ZON11-00013

### **RECOMMENDATIONS**

1. City Council holds a public hearing and considers an Interim Zoning Ordinance to allow operation of the electronic readerboard at the North Kirkland Community Center in emergency situations as determined by the City Manager or his designee. The Interim Ordinance would be in effect for 6 months and may be continued if necessary. If the Interim Ordinance is approved, staff would follow up by preparing a code amendment to allow the sign on an ongoing basis.
2. City Council provides direction to staff on the public message policy for all city readerboards.

### **BACKGROUND INFORMATION REGARDING THE ELECTRONIC READERBOARDS**

#### High School Electronic Readerboards

Between May and July, 2008 the City received correspondence from Juanita and Lake Washington High Schools' principals, PTSA's and student bodies requesting electronic readerboard signs to enhance communication with the community. The City Council reviewed the letters at a regular meeting in July 2008 and the matter was referred to the Planning Department for a code amendment which was ultimately approved. The correspondence is part of the record in the code amendment file (ZON09-00002).

Fire Station Electronic Readerboards CIP Project

Around the same time the City's Office of Emergency Management (OEM), aware that communication before, during and after a disaster needed to be improved, identified three projects and submitted them for CIP consideration.

1. Permanent electronic reader boards - CIP project # PS 0070 - were approved for the 2009 CIP. This project had been originally submitted for consideration in 2001.
2. HAM Radio system upgrade – 2010 (almost completed).
3. Local emergency/public communication AM radio (originally approved for 2012, project cut due to budget).

Justification in the CIP document for the "Permanent Information Displays" from 2009 states:

"The ability of the city to communicate to the public before, during and after a disaster is critical; having multiple avenues to communicate is an integral part. Having permanent LED display boards at the Fire stations will give the city a different method of communication to the public. All of the listed possible locations are on major traffic routes. It also allows the City to communicate emergency/disaster information or directions to those that are passing through the community. An important added benefit to this equipment is that it will allow the city another method of communication with the community about non-emergency events or public education messages on an ongoing basis without added cost or added staff to increase public awareness. The signs would be viewed by tens of thousands of people each day." *Taken from the Public Safety section of the 2009-2014 CIP Summary Book*

The first step in completing the electronic readerboard project was to amend the Zoning Code.

Code Amendment

The code amendment project started in January, 2009. The high school and fire station electronic readerboard projects were considered at the same time. The code amendments were reviewed using Process IVA: first the Houghton Community Council reviewed (1/26/09) and the City Council approved the roster of amendments (2/17/09); then the Planning Director and Houghton Community Council held a joint hearing (3/16/09); and finally the City Council approved Ordinance 4193 (4/21/09) and the Houghton Community Council gave Final Approval (4/27/09) amending the code to allow the signs at the high schools and fire stations as well as many other code amendments.

Award of Bid

In June 2010, the award of bids for the sign purchase and installation was approved by the City Council. The memo included a brief discussion of uses:

"The primary goal of these signs is to provide the City with a means of emergency communication to citizens at high traffic flow areas. These signs will be connected to the generators in the facilities and will have remote internet access to change the messages. In non-disaster times these signs will be used for public education and community event messaging so the community gets used to seeing messaging at these locations."

Code Amendment in the Annexation Area

More recently, the Planning Commission recommended approval and the City Council approved similar language for the fire stations in the Annexation Area. Ordinance 4286 was approved by the Council on January 4, 2011.

Use Zone Charts not Sign Chapter

The approved amendments are part of the Use Zone Charts for the applicable zone in the Zoning Code rather than in the sign code (KZC Chapter 100). It is not necessary to "open up" the sign code to address this situation thus avoiding a much larger project that is not on the work program.

Section	Zone	Listing	Facility where sign may be located	Ord. No.	Date
17.10.030	RSX	School or Day-Care Center	Juanita and Lake Washington High Schools	4193	4/21/09
17.10.080	RSX	Government Facility, Community Facility	Station 26	4193	4/21/09
18.10.080	RSA	Government Facility, Community Facility	Station 24, Station 27	4286	1/4/11
20.10.110	RM/RMA	Government Facility, Community Facility	Station 22, Station 34	4193	4/21/09
40.10.170	BNA	Government Facility, Community Facility	Station 25	4286	1/4/11
49.15.030	P	Government Facility, Community Facility	Forbes Creek Station 21	4193	4/21/09



An example of the code language follows (*taken from KZC 49.15.030*):

- One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - b. The electronic readerboard is no more than 50 percent of the sign area;
  - c. Moving graphics and text or video are not part of the sign;
  - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of way;
  - e. The electronic readerboard displays messages regarding public service announcements or City events only;
  - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
  - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
  - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

#### NKCC Sign

In 2010 the City Office of Emergency Management submitted permits for the fire station signs to be built according to the new code. The signs came in under budget and an application was also submitted for a similar sign at the NKCC. The Planning Department approved the NKCC sign permit in error not catching that the code only applied to fire stations and not all government/community facilities. The error was not realized until the sign was installed. The sign is legal; only the operation of the electronic readerboard is an issue. Leaving the sign in place without operating the readerboard or with the readerboard portion removed are both allowed by the current code.

In the City's emergency plan the NKCC serves an important function as a Disaster Support Facility equipped with a permanent generator. It is located on an arterial – NE 124<sup>th</sup> Street – and is very accessible.

#### Prior City Council discussion

On March 1, 2011 the City Council considered two options with regard to the NKCC sign:

- Remove and relocate the digital portion to a new sign at a fire station in the annexation area. The cost of setting up a new sign with the NKCC

digital portion would be between \$32,000 - \$35,000. It would cost between \$3,000 and \$6,000 to cap the NKCC sign once the digital portion is removed. The monument portion of the sign could not be re-used at another site as it is affixed to the site and would be damaged if it were removed.

- Proceed with a code amendment either later this year, or via an Interim Ordinance sooner. Ultimately, the Council directed staff to come back with an Interim Ordinance.

### Interim Ordinance

Approving an Interim Ordinance would mean:

- The NKCC is a legitimate location for the electronic readerboard;
- The electronic readerboard could be turned on in emergency situations as determined by the City Manager or his designee; and
- The Planning Department should proceed with a code amendment to allow the NKCC sign permanently with messaging consistent with the public message policy.

### **PUBLIC MESSAGE POLICY**

A policy regarding use and management of the electronic readerboards was in progress based on the earlier discussion of potential uses of the sign. In zones where readerboards are allowed, the zoning code currently reads, "The electronic readerboard displays messages regarding public service announcements or City events only." During the City Council's discussion on March 1<sup>st</sup>, there were a variety of views expressed about the appropriate use of the readerboards. Since the readerboards belong to the City, the policy for their use can be established administratively as long as it comports with the language in the zoning code. The Council may want an administrative policy that is more defined and/or narrow than the zoning code which is appropriately broad. The following table describes a continuum, of potential uses for the sign. It should be noted that the term "emergency" could indicate a range of conditions.

Use	Examples
Level 3 Emergency -- Emergency Operations Center (EOC) is fully activated and it is likely that a state of emergency will be formally declared.	Serious natural disaster such as an earthquake causing widespread damage.
Level 2 Emergency – EOC is partially activated and there is an expected event or an event that has already occurred that requires close coordination of multiple City functions.	Severe weather event such as high wind or floods that cause damage and hazardous conditions.

Level 1 Emergency – Minimal functions of the EOC are activated in order to coordinate communication to the public and alert responders to potential hazardous conditions.	High wind warning, severe cold where cold weather shelters are opened.
Driver alerts	Road closure due to flooding, water main break, construction or events, or community event such as parade or marathon, Amber Alerts
Public Education and Public Service Announcements	Emergency preparedness reminders in advance of anticipated weather event or general reminder such as changing batteries in smoke alarms, licensing pets and water conservation during water shortages.
Notice of Community Events and Meetings	Neighborhood Association Meetings, Public Workshops, Neighborhood Council meetings, City sponsored events such as 4 <sup>th</sup> of July Parade, Kirkland Uncorked and Wednesday Market.
Information on City Programs	Recreation program enrollment announcement, recreation class advertisement, league sign-ups.

Direction from the City Council will be used to develop an administrative policy to define allowed uses on City signs located at fire stations and at the NKCC. The proposed interim zoning ordinance would allow the City Manager or his designee to determine whether the thresholds defined in the policy are met (i.e. and an “emergency” condition exists and the NKCC sign can be activated).

The staff recommendation is to allow all categories of uses in the administrative policy except the last one “Information on City Programs.” This will allow the City to provide important public information beyond emergencies that will result in better customer service. But it will also educate Kirkland residents to look to the signs regularly so that when an emergency does occur, the public is used to getting information from the readerboards.

ORDINANCE 4297

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND PROVIDING INTERIM OFFICIAL CONTROLS REGARDING THE USE OF EXISTING ELECTRONIC READERBOARD SIGNS AT GOVERNMENT FACILITIES IN THE "P" ZONE OF THE CITY OF KIRKLAND.

WHEREAS, the City of Kirkland ("City") allows electronic readerboard signs at certain government facilities in the City, such as fire stations and public high schools; and

WHEREAS, the City Council will consider whether to allow electronic readerboard signs at community facilities (as defined in Kirkland Zoning Code Section 5.10.153) within the "P" Zone of the City; and

WHEREAS, there is an existing electronic readerboard sign at the North Kirkland Community Center ("NKCC"), which is a community facility located in the "P" Zone of the City; and

WHEREAS, the City Council would like to authorize use of the existing electronic readerboard sign for emergency purposes on an interim basis while it considers permanent zoning regulations regarding electronic readerboard signs; and

WHEREAS, the City Council held a public hearing on April 5, 2011; and

WHEREAS, the City has the authority to adopt an interim zoning ordinance pursuant to RCW 35A.63.220 and RCW 36.70A.390;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Existing electronic readerboard signs located at community facilities (as defined in Kirkland Zoning Code 5.10.153) within the "P" Zone of the City of Kirkland may be utilized for the purpose of displaying emergency messages only. The City Manager or his designee shall make the determination of when the sign should be utilized for emergency purposes and shall approve the text of the message to be displayed. Use of the electronic readerboard sign shall comply with all of the provisions of Kirkland Zoning Code Section 49.15.030, special regulation 2, except for special regulation 2(e), which is superseded by this Section.

Section 2. Findings of Fact.

- A. The recitals set forth above are hereby adopted as findings of fact.
- B. A permit was issued by the City for the electronic readerboard sign at the NKCC with the mistaken belief that

electronic readerboard signs are allowed at community facilities in "P" Zones.

- C. It is appropriate to allow limited use of the existing electronic readerboard sign at the NKCC for emergency purposes on an interim basis while the City Council considers permanent zoning regulations with respect to electronic readerboard signs at community facilities.

Section 3. The interim regulations adopted by this Ordinance shall continue in effect for a period of up to one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City Council. The Council may adopt extensions of this Ordinance after any required public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to any other persons or circumstances shall not be affected.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2011.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



**CITY OF KIRKLAND**

**City Manager's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.ci.kirkland.wa.us

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Lorrie McKay, Intergovernmental Relations Manager  
**Date:** March 22, 2011  
**Subject:** 2011 LEGISLATIVE UPDATE 5

**RECOMMENDATION:**

Council should receive a fifth update on the 2011 legislative session.

**BACKGROUND DISCUSSION:**

As of the April 5 Council meeting, the 2011 State Legislative session will be in its thirteenth week. There are fifteen weeks in the long session.

March 25 is the last day to read in committee reports from opposite house, except House fiscal and Senate Ways & Means and Transportation committees. April 12 is the day to consider opposite house bills (except initiatives, budgets and matters necessary to implement the budget).

The number of bills introduced this session is a down little from previous long sessions with over 1000 bills introduced in each chamber. This session, the House has introduced 1288 bills and the Senate has introduced 1260 bills. The House has passed out 353 bills (27%) and Senate has passed out 223 bills (17.5%).\* Following the opposite house cutoff on March 25, these numbers will narrow further. In past long sessions, each chamber has introduced about 2000 bills, with each house of origin having passed out about 400-450 by this point in the process.

As of March 22, a majority (70%) of City of Kirkland's legislative priority bills remain alive and in play.

*\* Note: This is not an exact count of all that is alive in Olympia since some bills are necessary to implement budgets and remain alive.*

**COUNCIL LEGISLATIVE SUBCOMMITTEE:**

The Council's Legislative Subcommittee meets weekly on Friday's at 4pm (Mayor McBride, Council Member Asher, Council Member Marchione).

All three members of the Legislative Subcommittee met on Friday, March 18 to review the status of the City's four remaining legislative priorities needing floor votes before the March 25 and April 12 cutoffs.

**2011 LEGISLATIVE PRIORITIES AND SUPPORT OF ALLIES:**

A detailed matrix tracking the status of Kirkland's legislative priorities as of March 18 is attached to this memorandum (Attachment A).

As of March 22, seven of City of Kirkland's ten legislative priority bills remain alive.

<b>2011 Legislative Priorities</b>	<b>Bill Number</b>	<b>Hearing Status</b>
Financial assistance for the construction of the Public Safety Building	HB 1497 – Dunshee SB 5467 – Kilmer	- Project request submitted - Senate process initiated
Flexibility in the use of Real Estate Excise Tax	HB 1953 – Springer	- 3/21 Heard in committee - 3/24 Scheduled exec
Annexation census requirements	HB 1336 – Springer  SB 5505 – Hill	- 3/1 Read into GOTRE  - 3/15 Passed to Rules for 2 <sup>nd</sup> Reading
Roadway pricing tools (tolling) on I-405	HB 1382 – Clibborn	- 3/16 Heard in Committee
New financing tools to support public/private partnerships	HB 1881 – Springer SB 5705 – Kilmer	- House bill appears dead - Senate bill NTIB
Streamline SEPA process	HB 1952 – Upthegrove	- Bill appears dead
"Fiscal relief" bill to postpone various city reporting requirements.	HB 1478 – Springer	- 3/17 Heard in committee - 3/22 Scheduled exec
Support the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers	HB 1335 - Springer SB 5243 - Tom	- Both bills are dead
Eliminate cities' obligation to pay impact fees exempting low-income housing	HB 1398 - Fitzgibbon	- 3/22 Exec'd out
Fire benefit authority	(HB 1230 & SB 5155)	- Both bills are dead

**Status of HB 1812 – "Changing provisions relating to community municipal corporations"**

- March 8, Heard in the Senate Committee on Government Operations, Tribal Relations & Elections
- Status – No movement. Appears dead.

Waypoint Consulting Group's detailed matrix tracking the status of selected legislative items of Kirkland's ally organizations is also attached to this memorandum (Attachment B). Changes since the March 15 council meeting are highlighted in gray (dead) and yellow (alive).

Matrices updated March 28, for both Kirkland's legislative priorities and items from our allies, will be emailed to Council in advance of the meeting on April 5.

2011 Legislative Items to Support (Organizations)	Bill Number
<b>Association of Washington Cities –</b> New tools to help cities recover, thrive and be efficient <ul style="list-style-type: none"> <li>- Pro-active public records proposals</li> <li>- Options for creating sustainable personnel related costs</li> <li>- Tools for combating gang activity</li> <li>- Street maintenance utility authority</li> </ul> Maintain essential state revenues and authorities for cities	HB 1033 – Eddy (dead) <b>SB 5022 – Kilmer (Heard 3/14)</b>  HB 1034 – Takko (dead) <b>SB 5025 – Hargrove (Exec'd out 3/21)</b>  SB 5049 – Kline (dead)  HB 1139 – Armstrong (dead) SB 5062 – Pridemore (dead)  HB 1086 – Hunter (Passed 1/24) HB 1497 – Dunshee (NTIB) SB 5467 – Kilmer (NTIB)
<b>Cascade Water Alliance –</b> <ul style="list-style-type: none"> <li>- Joint Municipal Utility Services</li> </ul>	<b>HB 1332 – Eddy (Rules 3/15)</b> SB 5198 – Pridemore (dead)
<b>Environmental Priorities Coalition –</b> <ul style="list-style-type: none"> <li>- 2011 Clean Water for Jobs</li> </ul>	HB 1735 – Ormsby (dead) SB 5604 – Nelson (dead)
<b>Washington Fire Chiefs Association –</b> <ul style="list-style-type: none"> <li>- Simple majority for EMS levies</li> </ul>	HB 1476 – Haigh (dead) SB 5381 – Prentice (dead)
<b>Washington Association of Sheriffs and Police Chiefs –</b> <ul style="list-style-type: none"> <li>- Burglar Alarm Program information protection</li> </ul>	<b>HB 1234 – Moscoso (Rules 3/18)</b> <b>SB 5244 – Fraser (Heard 3/14)</b>
<b>Washington Bicycle Alliance–</b> <ul style="list-style-type: none"> <li>- Safe Routes to School</li> </ul>	<b>HB 1071 – Moeller (Heard 3/9)</b>
<b>Washington Recreation and Parks Association –</b> <ul style="list-style-type: none"> <li>- REET</li> <li>- Washington Wildlife Recreation Program (WWRP)</li> </ul>	<b>HB 1953 – Springer (Schd Exec 3/24)</b>  Governor's Capital Budget for 11-13 created PSSWWR grants
<b>Washington Low-Income Housing Alliance –</b> <ul style="list-style-type: none"> <li>- Maintain the State's investment in Housing Trust Fund</li> </ul>	Governor's Capital Budget for 11-13 proposes \$40M
<b>Washington Chapter of the American Planning Association</b>	
<b>WRIA 8 –</b> <ul style="list-style-type: none"> <li>- Funding support for Puget Sound Partnership agenda</li> <li>- Legislation that creates multipurpose Watershed Districts</li> </ul>	<b>HB 1332 – Eddy (Rules 3/15)</b> <b>SB 5198 – Pridemore (dead)</b>  HB 1735 – Ormsby (dead) SB 5604 – Nelson (dead)  HB 1497 – Dunshee (NTIB) SB 5467 – Kilmer (NTIB)
<b>Other Legislation to Support –</b> <ul style="list-style-type: none"> <li>- Safe collection and disposal of unwanted drugs from residential sources</li> </ul>	HB 1370 – Van de Wege (dead) SB 5234 – Kline (dead)



**HEARINGS AND CORRESPONDENCE:**

Bill	Cmte	Date	City Rep. / Action	SME
EHB – 1382 (express toll lanes in I-405)	TR	3/16	<b>Letter of Support</b>	Dave Godfrey
ESHB – 1478 ("Fiscal Relief")	GOTRE	3/17	<b>CM Doreen Marchione</b>	Eric Shields
HB – 1953 (REET)	GOTRE	3/21	<b>AWC</b>	Kurt Triplett

Cmte (Committee) Legend

TR = Committee on Transportation

GOTRE = Committee on Government Operations, Tribal Relations and Elections

**BILL TRACKING:**

A March 18 bill tracker is attached to this memorandum (Attachment C) showing the status of bills of interest to the City as well as the City's position on those bills. Bills that have died have been removed. An updated bill tracker from March 28 will be emailed to Council in advance of the meeting on April 5.

Attachments:   Status of City's 2011 legislative priorities  
                       Status of Ally Support 2011 legislative priorities  
                       List of bills the City is tracking and positions

**City of Kirkland Legislative Priorities and Status: 2011 Legislative Session**  
**Updated 3.22.11**

**Attachment A**

	<b>Legislative Priority</b>	<b>Bill #</b>	<b>Prime Sponsor</b>	<b>Status</b>
1	Oppose new mandates and cost shifting			See bill tracker – monitoring status of all bills.
2	Financial assistance for the construction of the Public Safety Building	HB 1497 SB 5467	Eastside (Kirkland) Legislators	House Cap. Budget local community project request form submitted to Chair.  Senate process initiated.
3	Flexibility in the use of Real Estate Excise Tax revenue for infrastructure and parks maintenance.	HB 1953 (AWC)	Rep. Springer	<b>3/4 Passed House</b> - yeas, 79; nays, 18; absent, 0; excused, 1 3/21 Heard in GOTRE 3/24 scheduled for Exec Session in GOTRE
4	Financial relief for annexation census requirements through the ability to use alternate enumeration methods such as the federal census.	HB 1336 SB 5505	Rep. Springer  Sen. Hill	<b>2/26 Passed House</b> - yeas, 97; nays, 0; absent, 0; excused, 1 3/1 Read into GOTRE  <b>2/25 Passed Senate</b> - yeas, 48; nays, 0; absent, 0; excused, 1 3/15 – Passed to Rules for 2 <sup>nd</sup> Reading
5	Support legislation for roadway pricing tools that provides funding for high priority transportation routes, promotes multi-modal transportation modes and mitigates collateral impacts.	HB 1382	Rep. Clibborn	<b>3/5 Passed House</b> - yeas, 52; nays, 46; absent, 0; excused, 0 3/16 Heard in Senate Transportation
6	Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses.	NA		Monitoring bills that would restrict possible uses of the corridor and continue to bring project to legislator's attention for future action.
7	New financing tools to support public/private partnerships including flexibility in the use of existing tax sources to support new development and to facilitate small business growth through the use of microloans.	HB 1881 (AWC) SB 5705	Rep. Springer  Sen. Kilmer	Possible NTIB  Possible NTIB

**City of Kirkland Legislative Priorities and Status: 2011 Legislative Session**

**Updated 3.22.11**

8	Streamlining the state environmental policy act process.	HB 1952	Rep. Upthegrove	3/5 Passed House – yeas, 95; nays 2; absent, 0; excused 1 3/8 Read into Environment, Water & Energy Bill is dead
9	"Fiscal relief" bill to postpone various city reporting requirements.	HB 1478	Rep. Springer	<b>3/4 Passed House</b> - yeas, 86; nays, 11; absent, 0; excused, 1 3/17 heard in GOTRE. Council Member Marchione testified 3/22 Exec Session scheduled in Senate GOTRE 3/24 Exec Session scheduled in Senate GOTRE
10	Support the principles of growth management by assigning funding priority for infrastructure in communities with designated urban centers	HB 1335 SB 5243	Rep. Springer Sen. Tom	Both bills are dead
11	Amend RCW 82.02.060 to eliminate cities' obligation to pay impact fees from qualifying public funds when exempting low-income housing from impact fee requirements.	HB 1398	Rep. Fitzgibbon	<b>2/22 Passed House</b> - yeas, 86; nays, 8; absent, 0; excused, 4 3/15 Exec Session in Senate FIHI, No Action Taken 3/16 Exec Session in Senate FIHI, No Action Taken 3/22 Exec'd out
12	Fire benefit authority	HB 1230 SB 5155		Both bills are dead

Legislative Support Issue	Bill #	Prime Sponsor	Status
Association of Washington Cities			
<p>Provide flexibility within current revenue and regulatory frameworks to respond to these challenging times</p> <ul style="list-style-type: none"> <li>City fiscal flexibility package, such as greater flexibility in the expenditure of locally collected real estate excise tax (REET).</li> <li>Fund, Flex, Repeal, Amend, Pause (FFRAP), such as delaying adoption of new storm water regulations until the existing ones are successfully implemented and funded.</li> </ul>			See Top Priorities Sheet for Update...
<p>Enact new tools to help cities recover, thrive and be efficient</p> <ul style="list-style-type: none"> <li>Pro-active public record proposals that address some of the problems that come with the burgeoning public records requests.</li> <li>Options for creating sustainable personnel related costs.</li> <li>Additional tools for combating gang activity including funding for gang intervention and prevention activities.</li> <li>Street maintenance utility authority.</li> </ul>	<p>SB 5022</p> <p>HB 1033</p> <p>SB 5025</p> <p>HB 1034</p> <p>SB 5049</p> <p>SB 5062</p> <p>HB 1139</p>	<p>Sen. Kilmer</p> <p>Rep. Eddy</p> <p>Sen. Hargrove</p> <p>Rep. Takko</p> <p>Sen. Kline</p> <p>Sen. Pridemore</p> <p>Rep. Armstrong</p>	<p><b>3/4 Passed</b> - yeas, 47; nays, 0; absent, 1; excused, 1 3/14 – Heard in SGTA</p> <p>HB is dead</p> <p><b>3/2 Passed</b> - yeas, 45; nays, 4; absent, 0; excused, 0 3/14 – Heard 1:30 in SGTA 3/21 – Exec'd out</p> <p>HB is dead</p> <p>SB is dead</p> <p>SB is dead</p> <p>HB is dead</p>
Maintain essential state revenues and authorities for cities	HB 1086	Rep. Hunter	Passed by House 2/17. Passed by Senate 2/18 Governor partially vetoed.

<ul style="list-style-type: none"> <li>• Ensure continued appropriation of committed state shared funds and preserve existing local revenue authorities.</li> <li>• Preserve infrastructure funding such as the Public Works Trust Fund and storm water funding.</li> <li>• Retain current authorities – neither add new requirements or take any away.</li> </ul>	HB 1497 SB 5467	Rep. Dunshee Sen. Kilmer	Governor's proposed 11-13 capital budget funds all projects on the PWTF list. Capital budgets in the House and Senate won't come out until much later in the session.
Cascade Water Alliance			
Clarify and improve the tools available to voluntarily provide utility services on a joint basis.	HB 1332  SB 5198	Rep. Eddy  Sen. Pridemore	<b>2/22 Passed</b> - yeas, 92; nays, 2; absent, 0; excused, 4 3/15 – Rules 2 <sup>nd</sup> Reading  SB is dead
Eastside Human Services Forum			
<ul style="list-style-type: none"> <li>• Maintain the current investment in home visiting funding and advocate for evidence-based home visiting programs such as Healthy Start by the federal government.</li> <li>• Maintain current funding for Washington Information Network (2-1-1) and improve quality and accessibility of services.</li> </ul>			<p>The Governor's and House supplemental budget proposal make up an error of \$300K for the Council for Children &amp; Families for home visiting (if these aren't restored home visiting ends 3 months early). The Governor did not propose funding home visiting in the 11-13 budget. There is some flexible money in the Department of Early Learning in the Governor's proposed 11-13 budget that could be used for home visiting but it is not exclusive.</p> <p>211 funding was not cut in the Governor's proposed supplemental nor in the House proposed supplemental (HB 1086) and the Washington Telephone Assistance Program account (where 211 is funded from) was not swept. The Governor, however, did not propose funding 211 in the 11-13 budget.</p>

Environmental Priorities Coalition			
<ul style="list-style-type: none"> <li>Budget Solutions for our Environment – Develop a proactive approach that will improve the economy while maintaining environmental protections.</li> <li>2011 Clean Water Act/Working for Clean Water -- Fund job-creating projects across the state by building water infrastructure that will clean up our water ways.</li> </ul>	HB 1735 SB 5604	Rep. Ormsby Sen. Nelson	HB is dead SB is dead
Washington Fire Chiefs Association			
<ul style="list-style-type: none"> <li>Require simple majority elections (50% +1) for Emergency Medical Services levies and Benefit Charge elections.</li> <li>Provide funding for CBRNE/Funded Regional Hazardous Materials Teams.</li> <li>Mandate radio repeaters for use by emergency responders inside buildings larger than 10,000 square feet.</li> <li>Exempt major fire department capital equipment purchases from State sales tax or allow for some form of a rebate.</li> </ul>	HB 1476 SB 5381	Rep. Haigh Sen. Prentice	HB is dead SB is dead
Washington Association of Sheriffs and Police Chiefs			
<ul style="list-style-type: none"> <li>Burglar Alarm Program information protection – Amend RCW 42.56 to protect law enforcement false alarm program information from public disclosure that would compromise the security of properties.</li> <li>Require that red light cameras comport with federal standards and that fines are equalized.</li> <li>Increase penalties for vehicle prowling.</li> </ul>	HB 1234  SB 5244	Rep. Moscoso  Sen. Fraser	<p><b>2/25 Passed</b> - yeas, 97; nays, 0; absent, 0; excused, 1 3/18 – Rules 2<sup>nd</sup> Reading</p> <p><b>2/2/ Passed</b> - yeas, 46; nays, 0; absent, 0; excused, 3 3/14 – Heard in SGTA</p> <p>WASPC ended up not putting these on their agenda.</p>

Washington Bicycle Alliance			
Safe Routes to School – Protect existing funding and find ways to improve the program to better meet the demand created by schools.	HB 1071	Rep. Moeller	<b>2/28 Passed</b> - yeas, 56; nays, 41; absent, 0; excused, 1 3/9 Heard in Senate Transportation
Washington Recreation and Parks Association			
<ul style="list-style-type: none"> <li>Real Estate Excise Tax -- Provide local-option legislation allowing cities and counties to use up to 25 percent of the revenue from the two local 1/4-percent Real Estate Excise Tax (REET) collections to be used for maintenance and operations of parks and recreational facilities.</li> <li>Washington Wildlife Recreation Program (WWRP) – Support the request by the Recreation and Conservation Funding Board, the Washington Wildlife and Recreation Council (WWRC), WRPA, and others to preserve a \$100 million 2011 Capital Budget funding level for the Washington Wildlife and Recreation Program (WWRP) Grant program.</li> </ul>			<p>See Top Priorities Update Sheet.</p> <p>The Governor’s proposed capital budget for 11-13 created the “Puget Sound Washington Wildlife and Recreation Grants” program, which selects certain projects off the WWRP ranked list.</p>
Washington Low-Income Housing Alliance			
<ul style="list-style-type: none"> <li>Maintain the State’s investment in Housing Trust Fund.</li> </ul>			The Governor’s proposed capital budget for the 11-13 biennium gives \$40m to the Housing Trust Fund.
Washington Chapter of the American Planning Association			
<ul style="list-style-type: none"> <li>Create a funding mechanism for Planned Action EIS -- Amend RCW 82.02.020 to allow jurisdictions to impose a fee or charge on development for preparation of a Planned Action EIS.</li> </ul>			

WRIA 8			
<ul style="list-style-type: none"> <li>Funding – Support legislation to establish a sustainable funding mechanism to implement the Puget Sound Partnership agenda including funding for projects, programs, permitting and monitoring related to storm water pollution in Puget Sound and throughout Washington State.</li> <li>Authorize legislation for creation of multipurpose Watershed Districts.</li> </ul>	HB 1332  SB 5198  HB 1735 SB 5604  HB 1497 SB 5467	Rep. Eddy  Sen. Pridemore  Rep. Ormsby Sen. Nelson  Rep. Dunshee Sen. Kilmer	Watershed Bills: <b>2/22 Passed</b> - yeas, 92; nays, 2; absent, 0; excused, 4 3/15 – Rules 2 <sup>nd</sup> Reading  SB is dead  Storm Water: HB is dead SB is dead  Puget Sound Partnership in Capital Budgets
Additional Legislation to Support			
<ul style="list-style-type: none"> <li>Support brown grease to energy conversion legislation and programs.</li> <li>Support modification of the Washington State Department of Licensing's (DOL) implementation of the Commercial Driver's License process.</li> <li>Support legislation providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program.</li> <li>Support an amendment to RCW 46.68.090 that would allocate gas tax revenues between counties and cities based on a per capita allocation rather than the current fixed percentages.</li> <li>Support legislation that would allow cities access to the State Department of Labor and Industries data as a means of verifying local business tax payments.</li> </ul>	HB 1370 SB 5234	Rep. De Wege Sen Kline	HB is dead SB is dead



Bill	Title	Position	Status
<i>Support</i>			
<a href="#">HB 1012</a>	Planning commissioners	Support	
<a href="#">HB 1014</a>	Watersh mgmt partnerships	Support	
<a href="#">HB 1071</a>	Complete Streets grant prog	Support	
<a href="#">HB 1223</a>	Street vacation hearings	Support	
<a href="#">HB 1234</a>	Security alarms, crime watch	Support	
<a href="#">HB 1332</a>	Utility services joint mgmt	Support	
<a href="#">HB 1336</a>	<b>Census data/annexation</b>	Support	
<a href="#">HB 1382</a>	<b>Express toll lanes/eastside</b>	Support	
<a href="#">HB 1398</a>	<b>Low income housing/fee ex.</b>	Support	
<a href="#">HB 1406</a>	intrastate building safety mutual aid system	Support	
<a href="#">HB 1469</a>	Landscape conservation	Support	
<a href="#">HB 1478</a>	<b>Fiscal relief/cities &amp; towns</b>	Support	
<a href="#">HB 1497</a>	<b>2011-2013 capital budget</b>	Support	
<a href="#">HB 1730</a>	Authorization of bonds issued by local gov	Support	
<a href="#">HB 1881</a>	<b>Community redevelopment financing</b>	<b>Support</b>	
<a href="#">HB 1952</a>	<b>SEPA (formerly HB 1713)</b>	<b>Support</b>	<b>DEAD</b>
<a href="#">HB 1953</a>	<b>Real Estate Excise Tax</b>	<b>Support</b>	
<a href="#">HB 1969</a>	Exempting FCDZ from regular property tax levies	Support	
<i>Neutral</i>			
<a href="#">HB 1702</a>	impact fees/convenents	Neutral	
<a href="#">HB 1812</a>	Relating to community municipal corporations	Neutral	
<a href="#">HB 1997</a>	Tourism, workfrce hsg, art & hrtge progrms	Neutral	
<i>Oppose</i>			
<a href="#">HB 1026</a>	Adverse possession actions	Oppose	
<a href="#">HB 1634</a>	Regarding underground utilities.	Oppose	
<i>Undecided</i>			
<a href="#">HB 1098</a>	Traffic safety cameras		
<a href="#">HB 1099</a>	Traffic safety cameras		
<a href="#">HB 1126</a>	Criminal street gangs		
<a href="#">HB 1217</a>	Speed limits		
<a href="#">HB 1279</a>	Traffic safety/intersections		
<a href="#">HB 1462</a>	Affordable housing		
<a href="#">HB 1662</a>	appeal/shoreline mgmt act		
<a href="#">HB 1882</a>	Transportatioin connectivity		
<a href="#">HB 1855</a>	State mandates		
<a href="#">HJR 4217</a>	Community redevelopment financing		

Bill	Title	Position	Status
<i>Support</i>			
<u>SB 5022</u>	Court actions/42.56.550	Support	
<u>SB 5025</u>	Inmate public record req.	Support	
<a href="#"><u>SB 5034</u></a>	Concerning private infrastructure development	Support	
<u>SB 5098</u>	minors in parks/recs progs	Support	
<u>SB 5143</u>	Annexation/fire prot. Dists.	Support	
<u>SB 5154</u>	Modifying vehicle prowling prov	Support	
<u>SB 5192</u>	Shoreline Management Act	Support	
<u>SB 5244</u>	security alarms, crime watch	Support	
<u>SB 5253</u>	landscape conservation	Support	
<b><u>SB 5467</u></b>	<b>2011-2013 capital budget</b>	Support	
<b><u>SB 5505</u></b>	<b>census data/annexation</b>	Support	
<b><u>SB 5638</u></b>	<b>Levy suppression fix for FCZD</b>	<b>Support</b>	<b>DEAD</b>
<u>SB 5705</u>	Community redev financing	Support	NTIB
<u>SB 5834</u>	Extending lodging taxes to programs arts/heritage	Support	
<i>Neutral</i>			
<u>SB 5607</u>	impact fees/covenants	Neutral	
<i>Oppose</i>			
<u>SB 5553</u>	Requiring cities post certain info on web sites	Oppose	
<i>Undecided</i>			
<u>SB 5013</u>	Land use permit process		
<u>SB 5155</u>	Public safety authorities		
<u>SB 5181</u>	State debts statutory limits		
<u>SB 5188</u>	Traffic control signals		
<u>SB 5214</u>	Affordable housing		
<u>SB 5265</u>	Multijurisdiction flood control zones		
<u>SB 5299</u>	Shoreline & pollution boards		
<u>SB 5530</u>	appeal/shoreline mgmt act		
<u>SB 5683</u>	City utility infrastructure		
<u>SB 5693</u>	"Copy"/public records act		
<u>SB 5695</u>	Local gov't bonds		
<u>SB 5716</u>	Traffic safety cameras		
<u>SJR 8213</u>	Community redevelopment financing		

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.ci.kirkland.wa.us**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Ellen Miller-Wolfe, Economic Development Manager

**Date:** March 24, 2011

**Subject:** TOTEM LAKE ACTION PLAN UPDATE

**RECOMMENDATION:**

That the City Council receives an update on the Totem Lake Action Plan in the form of the Totem Lake Work Plan and a briefing on the refocusing of unused Totem Lake Neighborhood Connections funds totaling \$50,000 for Totem Lake Action Plan elements that benefit the Totem Lake neighborhood.

**BACKGROUND DISCUSSION:**

At the City Council meeting on December 7, 2011, the Council passed Resolution R-4856, adopting the Totem Lake Action Plan and requesting that City departments revise their work plans to reflect a focus on the revitalization of Totem Lake. Departments were tasked with bringing back work plan revisions by the end of March, 2011 that responded to suggestions originally put forward at the Totem Lake Symposium in September of 2010. This priority focus on Totem Lake was reiterated when the Council approved Resolution R-4864 at the February 1<sup>st</sup>, 2011 Council meeting, adopting the 2011 City Work Program which included "Revitalizing the Totem Lake Business District through implementation of the Totem Lake Action Plan" as one key initiative.

The updated Totem Lake Work Plan is included as Attachment A. The Work Plan addresses the major issues that are perceived to keep the Totem Lake Business District from achieving its full potential as a thriving urban center. Tasks are listed according to the objectives they satisfy and calendared by quarter in 2011-12. Department leads are identified for each task. The issues to be addressed include:

- reconsideration of zoning;
- creation of a sense of place through the development of amenities such as Totem Lake;
- positive messaging that celebrates the district assets;
- addressing transportation gaps including improving connectivity, capacity and the provision of additional I-405 access points;
- drainage and flood relief measures;
- economic development efforts such as aggressive promotion of existing assets;
- investigation of regulatory reforms and permitting improvements;
- and seeking alternative sources of funding.

### **Recent Actions**

Highlights of some of the recent actions that resulted from the Symposium and the Action Plan include:

- Continued exploration of the purchase of the BNSF Corridor in Kirkland resulting in a preliminary price of \$5 million for the length of the line ending in Totem Lake at 132<sup>nd</sup> Avenue NE;
- Approval by the Parks Board of reprioritized CIP dollars for a Totem Lake Parks Master Plan and support for other Parks-related Totem Lake actions (This support has been officially communicated to the City Council via a memo from the Parks Board that is included as Attachment 2);
- Initial review of Totem Lake zoning and regulations by Eric Shields, Planning Director;
- Council approval of Ordinance 4288 on January 18, 2011, which suspends change of use transportation impact fees to encourage redevelopment in Totem Lake and throughout the City;
- Hiring of CH2MHill to identify specific short, medium and long term actions that will reduce flooding in the Totem Lake Business District;
- Ongoing work by multiple Departments with numerous existing and new businesses to help them locate or expand in the Totem Lake Business District.

In addition to those considerations generated at the Symposium, staff will develop options for a Totem Lake Action Team as requested by Council at its annual retreat to potentially guide the further implementation of the work plan.

### **Refocused Totem Lake Neighborhood Connections Grants**

The Totem Lake Action Plan Resolution directed all Departments to identify actions and reprioritize existing dollars to focus on Totem Lake. The City Manager's Office (CMO) undertook a similar exercise. During the 2010 budget carryover evaluation process, the CMO identified two \$25,000 Totem Lake Neighborhood Connection grants that have been carried forward for several years. Because the current residential presence in Totem Lake is small and an organized association has not been consistent, these grants had never been used and no current projects had been identified. Normally, these dollars would have absorbed back into the 2011 budget as unencumbered cash. Because other neighborhood Connections grants were carried forward into 2011, the City Manager felt it was inequitable for the Totem Lake neighborhood to lose the money entirely. Instead, the City Manager carried forward the \$50,000 for implementation of Totem Lake Work Plan elements that would benefit the Totem Lake residential neighborhoods. Initially, up to \$16,000 will be allocated to rebrand Totem Lake as a desirable place to both live and work, and to highlight Totem Lake's assets as well as ongoing City initiatives to revitalize it. Remaining funds are likely to be utilized for an Urban Land Institute (ULI) peer review study of the Totem Lake Business District (\$15,000), supporting the efforts of the Totem Lake Parks Master Plan, and similar actions as a clearer vision for the area emerges.

# Totem Lake Work Plan

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Totem Lake Work Plan E-Page 69				2011				2012				Comments
				1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Planning												
Reconsider zoning. Make more flexible or market-driven. Consider incentive-based, form-based and other zoning models.	Planning (Lead)	Evaluate potential code amendments that don't require comprehensive plan amendments.	Staff ID list of potential amendments		x							
			Review list with developers and property owners			x						
			Review with Economic Development Committee			x						
			Review list with Planning Commission and City Council			x	x					
			Obtain direction on which amendments to further consider			x	x					
			Process code amendments				x	x	x			
	Planning (Lead)	Identify opportunity sites, analyze current incentives, and explore additional ones.	Staff ID sites		x							
			ID potential incentives			x						
			Review with Economic Development Committee			x						
			ULI technical assistance panel assessment		x	x	x					
	Planning (Lead)	Identify plan amendments.	Staff ID list of potential plan amendments		x							
			Review list with developers and property owners			x						
			Review with Economic Development Committee			x						
			Review list with Planning Commission and City Council			x	x					
			Obtain direction on which amendments to further consider			x	x					
			Process plan amendments					x	x	x	x	
	Planning (Lead)	Consider more flexible Comp Plan Amendment process.	Consider allowing TL related amendments annually		x							
			Review idea with Planning Commission and City Council			x						
			Implement				x	x				

# Totem Lake Work Plan

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Totem Lake Work Plan				2011				2012				Comments	
E-Page 70				1st	2nd	3rd	4th	1st	2nd	3rd	4th		
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks										
Sense of Place													
Provide amenities such as parks.	Parks (Lead); Public Works; Economic Development Program; Planning; Parking Advisory Board	Inventory existing park sites and suggest additions if appropriate.	Develop a master plan for the Totem Lake park property			x	x	x	x	x	x		
			Plan for future pedestrian/biking links to Eastside Rail Corridor			x	x	x	x	x	x		
			Consider zoning regulations which encourage private development to create additional greenspace, outdoor public gathering places, and neighborhood recreation amenities			x	x	x	x	x	x		
			Pursue public/private partnership opportunities for siting a future public recreation center within the Totem Lake area.				x	x	x	x	x		
			Create a community off-leash area for dogs within the Totem Lake Neighborhood		x	x							
		Reprioritize CIP Real Estate Excise Tax and Surface Water Management funding.	Repurpose existing Parks' CIP funds for Totem Lake park master plan		x								
Promote Totem Lake as viable neighborhood and business address.	City Manager’s Office (Lead); Economic Development Program; Economic Development Committee; Development Services Team; Duncan Milloy, Business Retention Consultant	Rebrand Kirkland as “open for business” in Promotional materials.	Quarterly bulletins to track public/private developments	x	x	x	x	x	x	x	x		
			Publish interviews with key businesses in regional/local media	x	x	x	x	x	x	x	x		
			Map existing and planned development and update		x		x		x		x		
			Update editors about Totem Lake planning and developments		x				x				
		Market Totem Lake opportunities through developer networks, trade organizations, broker networks, etc.	Retain consultant to prepare marketing plan										
			Retain team (eg ULI) to target key initiatives, lead charrette with community/symposium attendees, help to synergize/sequence workplan		x	x							
			Consultant final report to fuel marketing plan and promotion				x	x	x				
			Symposium redux			x				x			
			Continue to feed media outlets Totem Lake Updates	x	x	x	x	x	x	x	x		
			Continue work with potential developers	x	x	x	x	x	x	x	x		
		Promote neighborhood awareness of Totem Lake Initiatives.	Attend two neighborhood meetings	x									
			Check in at upcoming neighborhood meetings			x		x		x			
			Identify funding to cover promotion costs	x									

# Totem Lake Work Plan

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Totem Lake Work Plan E-Page 71				2011				2012				
				1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Sense of Place, continued												
Public Safety Building	Public Works (Lead); City Manager’s Office	Notice to proceed with Arch/Eng services	Advertise A/E Request for Qualifications Interview and select A/E consultant NTP by July 1, 2011			x						
		Design Development Complete	Complete space needs requirements Complete schematic layout and cost estimate Begin permitting and complete design review board process Complete design development and cost est. March, 2012					x				
		Construction Documents Complete	Receive all permits Prepare construction documents for bid Request Council authorization to advertise for const. bids							x		
		Bid and Award Construction Contract	Advertise project for construction bids Determine low bidder - check references & responsiveness Request Council authorization to award construction contract								x	

# Totem Lake Work Plan

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				2011				2012				
				1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks									Comments
Transportation												
Increase roadway capacity (e.g. reinstate grid, frontage roads, connections over I-405) and provide multi modal options (e.g. BNSF RR).	Public Works (Lead); Grant Committee; Legislative Committee	Identify system gaps with transportation staff and Transportation Commission (TC).	Pursue state/federal grant funding for NE 120th St Extension				x					
			Integrate Totem Lake ITS network with other City initiative					x	x			\$1.8 M CMAQ grant
		Enhance ped network	Working with WSDOT on completion of NE 124th St sidewalk			x						TC workplan
		Review concurrency to incorporate multi-modal work	Work with Transportation Commission to redefine concurrency and mode split			x	x					TC Workplan
Acquire BNSF RR for trail and transit	City Mgr's Office (Lead); City Attorney; Parks, Public Works	Identify and pursue new funding sources for transportation.	Continue to work with Port on acquisition of railroad	x	x	x						
			Bring proposal forward to CC		x							
Provide additional access and egress to I-405.	Public Works (Lead); Legislative Committee	Advocate for moving I-405 access projects forward	NE 116th Street interchange (WSDOT) Ph II construction		x	x	x					
			NE 132nd Street interchange (WSDOT) construction									current plan is ~ 2025
Reconfigure 120th Ave NE (between malls)	Public Works (Lead); Planning	Evaluate building ahead of mall development.	Consider utility work with Northshore									
Take actions to reduce confusion such as renaming streets.	Public Works (Lead); Planning	Evaluate, review with Transportation Commission and report out.										TC workplan?



# Totem Lake Work Plan

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				2011				2012				
				1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks									Comments
Drainage/Flood Relief												
Reduce frequency and severity of flooding of roads and property adjacent to Totem Lake.	Public Works (Lead)	Pursue King County Flood Control Zone District funding and reprioritize CIP to develop and construct a solution.	Hire consultant, scope Phase I (immediate) project; \$180k	x								negotiations w CH2MHILL
			Conduct Ph I study to investigate existing system		x	x						
			Construction scope for Ph I; secure funding			x						
			Pursue funding for Ph II study through CIP process			x	x					
			Ph II study, develop alternatives and conceptual design					x	x	x		
			Pursue funding for construction including CIP reprioritization						x	x	x	
			Construct solution									partial solution could be constructed summer of 2012 depending on magnitude of solution and funding availability
		Discuss use of NE 128th Street Direct access ramps during flood events	Work with WSDOT on terms of agreement		x							will require State approval

# Totem Lake Work Plan

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Totem Lake Work Plan E-Page 74				2011				2012					
				1st	2nd	3rd	4th	1st	2nd	3rd	4th		
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks									Comments	
Economic Development/Customer Service													
Be more aggressive in regard to economic development. Compete with other cities.  Adopt a more proactive stance to permitting of projects	City Manager’s Office (Lead); Economic Development Program; Economic Development Committee; Development Services Team	Review program comparison with other cities. Suggest enhancements, new strategies.	Analyze and bring forward recommendations to EDC				x						
			Coordinate with other departments on implementation					x	x	x			
		Consider retaining marketing consultant to assist with messages and communications.	See sense of place										
		Prepare marketing materials for Totem Lake opportunities and distribute through developer networks, trade organizations, broker networks, etc.	See sense of place										
Permitting													
Provide faster, easier permitting (e.g. “Red carpet service”).	Planning (Lead); Development Services Team	Evaluate options for simplifying permits and improving service.	Review with Development Review Managers		x								
			Prepare options		x								
	Planning (Lead)	Explore off-site wetland mitigation	Review options with EDC and Council			x	x						

# Totem Lake Work Plan

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Totem Lake Work Plan E-Page 75				2011				2012					
				1st	2nd	3rd	4th	1st	2nd	3rd	4th		
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks									Comments	
Incentives													
Offer incentives to catalyze development.	City Manager's Office (Lead); Economic Development Program; Planning	Evaluate actions that have been proposed (purchase of land; building of common parking garage; added density; enterprise zone). Seek input on most useful incentives from developer focus group.	Consider development panel/rounding board to peer review of options		x								
			Work with AWC other state, local and private interests to promote TIF and other incentives	x	x								
Reduce taxes and upfront fees.	City Manager's Office (Lead); Finance; Planning; Development Services Team	Evaluate.	Reduction of transportation impact fees for existing bldgs.	x								Done	
			Coordinate review of other possible reductions and efficiencies			x	x	x					
			Screen proposals through Chamber Public Policy/developers						x	x			
			Bring proposal forward to CC								x		
Make development more affordable by relieving developers of costs (especially up-front costs).	Planning (Lead); Development Services Team; Economic Development Committee, EDC	Consider planned action EIS to relieve individual projects of SEPA requirement.	Make budget proposal for 2013-14 budget							x	x		
		Explore changes to critical area requirements.	Add to list of code amendments	x									
			Consider with critical areas update									x	
		Explore extension of Single Family pilot procedures to commercial projects allowing payment of impact fees at escrow or certificate of occupancy.	Discuss with development review managers			x							
			Report to Economic Development Committee				x						

# Totem Lake Work Plan

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Totem Lake Work Plan E-Page 76				2011				2012				
				1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Symposium Issues	Department/Staff Responsibility	Short-Term Objectives	Tasks	1st	2nd	3rd	4th	1st	2nd	3rd	4th	Comments
Incentives, continued												
Reduce costs of surface water portion of development requirements.	Public Works (Lead)	Explore reducing impact fees if multi-modal efforts are demonstrated.					x					
		Provide input to Ecology and/or legislature regarding NPDES Municipal Storm water Permit requirements.	Comment on draft permit which will be issued in May of 2011		x							
	Planning (Lead)	Develop regional-scale plan for surface water management including potential fee-in-lieu or mitigation banking for surface water impact mitigation.	Pursue funding for plan development		x	x	x					
			Develop plan					x	x	x	x	



**CITY OF KIRKLAND**  
**Department of Parks & Community Services**  
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## MEMORANDUM

**To:** City Council

**From:** Robert Kamuda, Chair, Park Board

**Date:** March 10, 2011

**Subject:** Totem Lake Action Plan

The Park Board has been working with staff to respond to City Council R-4856, directing City departments to establish work programs which reflect a focus on the revitalization of the Totem Lake area. Here are our recommendations:

✓ **Develop a park master plan for the Totem Lake park property.**

***Description:*** Working in conjunction with the property owner, King Conservation District, develop an overall plan for park and recreation improvements to the Totem Lake property, such as trails, interpretive elements, entry features, picnicking, parking, and habitat restoration. Consider additional land acquisition and/or partnerships with neighboring properties to support the park and create a greater sense of place within the community. Explore the merits of transfer/acquisition of Totem Lake from the Conservation District. The park plan should be informed by and should respond to the City's flood control study for the area which is currently underway. Master plan process would incorporate public participation strategies, such as visioning workshops, surveys, etc.

***Funding:*** It is estimated that a master plan process would cost \$75,000 - \$100,000. The Park Board is prepared to recommend options for repurposing funds from the existing CIP to support this project.

***Timeline:*** Hire consultant team and begin master planning process during the 3<sup>rd</sup> quarter of 2011. Staff estimates that development of the park master plan can be completed by the end of 2012.

✓ **Plan for pedestrian and biking trail linkages to the Eastside Rail Corridor.**

***Description:*** The Park Board supports the draft City of Kirkland Eastside Rail Corridor Interest Statement, which in part encourages linkages to the Totem Lake Urban Center. Along with Public Works and Planning, the Parks and Community Services Department may have a role in helping to realize this goal. Given the Corridor's adjacency to Totem Lake, future park planning

for Totem Lake Park should incorporate conceptual ideas for trail spurs, connections, wayfinding signage, and other features to support and encourage this connection.

*Funding:* No recommendation. Some planning tasks can be incorporated into master planning for Totem Lake Park.

*Timeline:* Planning can be at least partially incorporated into the master planning for Totem Lake Park as described previously. Future tasks contingent upon (a) possible acquisition by the City, (b) final determination on how the corridor will be used (in both the short and long term), and (c) future actual Corridor development.

- ✓ **Consider zoning regulations which encourage private development to provide additional greenspace, outdoor public gathering places, and neighborhood recreation amenities.**

*Description:* As a Board, we recognize that acquisition of public park land within the Totem Lake Urban Center area could be problematic due to availability and cost. While the redevelopment plan for the Totem Lake Malls property provides a good framework and starting point, we recommend, as further large-scale redevelopment occurs within and adjacent to the Urban Center, that the City Council consider zoning regulations which encourage greenspace, public gathering places, and recreation amenities for visitors and nearby residents (such as children's play areas, picnicking, perhaps even small playfields). The Board suggests that further discussion of this proposal occur with the Planning Department and Planning Commission.

*Funding and Timeline:* No recommendation. Subject to Council direction.

- ✓ **Pursue public/private partnership opportunities for siting a future public recreation center within the Totem Lake area.**

*Description:* The Parks and Community Services Department completed an indoor recreation facility plan in 2007, which described the components of a future multi-purpose recreation center and an accompanying operational model. Siting of the facility within this area of the community would be ideal due to its central location, proximity to the health and wellness sector, and convenient freeway access. We also believe that the recreation center itself would add economic benefit, and would complement -perhaps even serve as a catalyst for - private redevelopment.

*Funding:* None required initially. If a firm partnership site is identified, funding for site analysis could be required.

*Timeline:* On-going as opportunities arise.

✓ **Create an off-leash area for dogs and their owners within the Totem Lake Neighborhood**

*Description:* As approved by Council, the City has entered into an agreement with the local non-profit organization K-DOG to create an off-leash area on City-owned park land south of the Heronfield Wetlands. Intended to serve the entire community, the facility will provide a much-needed opportunity for dog owners to exercise and socialize their pets.

*Funding:* All funds for development to come from private sources. Up to \$30,000 in donations and donated labor/materials may be required.

*Timeline:* The goal of K-DOG is to have the off-leash area open this summer or fall.

We look forward to working with the City Council to support the revitalization of the Totem Lake area.

cc: Park Board  
Jennifer Schroder, Director of Parks and Community Services  
Ellen Miller-Wolfe, Economic Development Manager

**CITY OF KIRKLAND****Department of Public Works****123 Fifth Avenue, Kirkland, WA 98033 425.587.3800****[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** David Godfrey, P.E., Transportation Engineering Manager  
Ray Steiger, P.E., Interim Public Works Director

**Date:** March 24, 2011

**Subject:** Monitoring of SR 520 Tolling effects

**RECOMMENDATION**

It is recommended that the Council approve the proposed monitoring plan and allocate an amount not to exceed \$5000 from the Street Improvement Reserve Fund for additional traffic counts.

**BACKGROUND**

Tolling on the SR 520 bridge will likely begin in May or June of 2011. Before tolling can begin, the legislature has to approve a toll rate schedule ([proposed toll rate schedule](#)), and the Washington State Department of Transportation (WSDOT) must subsequently complete various technical and outreach tasks. WSDOT staff anticipates that tolling will begin no earlier than six weeks after the legislature acts.

It is likely that a toll on SR 520 will lead to changes in travel behavior. Drivers may use alternate routes, change the time of day they travel, or use other modes of travel. Drivers may make several changes as they find what works best for them. Based on the experience of toll introduction in other locations in the country, WSDOT expects that driver behavior will potentially make large changes in the first few months of tolling as drivers try different strategies. WSDOT believes it may be six months before travel patterns settle down.

Changes in traffic patterns may affect City of Kirkland streets because of driver's new behaviors in response to tolling. Diversion to SR 522 and I-90 are the most likely changes in driving patterns to impact Kirkland. City staff has been working with WSDOT, other affected cities, and King County over the last few months to develop a coordinated monitoring plan so that changes in traffic volumes can be measured. Each agency is sharing data with the others to develop a clear regional picture of traffic volume before and after tolling implementation. Map 1 shows selected count locations that are being monitored.

For Kirkland, the key routes to be monitored are:

- I-405 and associated ramps in Kirkland
- SR 520 and associated ramps in Kirkland
- Lake Washington Boulevard-Lake Street-Market Street-100th Avenue
- 124th Avenue NE
- 108th Avenue NE
- Juanita Drive
- Simonds Road



Counts will come from several sources including City of Kirkland, WSDOT, King County, and other cities.

Kirkland's counts will be mainly from Kirkland's normal "seasonal counts" that are taken annually in February, May, August, and November. Seasonal counts gather volume data each hour for seven days at locations shown on Map 1. The February 2011 counts serve as before tolling counts on Kirkland streets. If tolling begins in May, Kirkland will make its May seasonal counts after tolling begins, and this will serve the purpose of giving an initial "after" count. If tolling begins in June or later, staff will schedule a separate set of counts to be made immediately after tolling begins. An extra set of seasonal counts will be scheduled for September to provide an after count that captures the effects of school traffic. Together, the "extra" seasonal counts are estimated to cost less than \$5000. Normal seasonal counts will be completed in August and November to help further understand any volume changes.

WSDOT has extensive monitoring systems on the freeways and freeway ramps. Travel time and volume data are available on SR 522 from monitoring equipment that has been installed in anticipation of tolling. In addition, WSDOT is placing counters at other key locations for two-week counts before tolling and at the same locations one week per month after tolling begins. The after counts will continue until tolling effects have settled out. Kirkland area WSDOT counts are shown on Map 1.

After tolling begins, WSDOT is planning to present daily reports that include detailed information about a number of factors such as daily volume, hourly volume, travel times, and congestion. Example elements of the daily report are shown in Figures 1 and 2 of this memo. Map 2 shows the 13 locations for regional freeway monitoring, one of which is on I-405 north of NE 85th Street. Additional information, beyond that in the daily report, will also be available on request.

King County has counting facilities on 100th Avenue and Juanita Drive that will be owned and maintained by the City of Kirkland after annexation. The City of Kenmore has counted and will continue to count Simonds Road each month. King County Metro makes regular passenger counts on all of its routes, and the group of agencies working on measuring traffic volume changes will be working with Metro to integrate ridership changes into the data collection efforts.

WSDOT is funding extra before and after counts in Kirkland, but they do not have funding currently allocated for mitigation of any affects of diversion that may occur. Funds collected by tolls cannot be used for mitigation without the approval of the State Legislature. Unfortunately, because the 2011 session is drawing to a close, such a decision by the legislature will likely have to be made during the 2012 session.

If there is a sustained impact due to tolling, the definition of which has yet to be determined, a number of tools could be used to mitigate impacts including:

- Signal timing changes
- Promotion of alternative routes and modes through Kirkland based outlets; this could include dissemination of information through signing, press releases, emails, Commute Trip Reduction affected employers, etc.
- Participation with other agencies to address multi-jurisdictional issues; examples may include working with Metro, WSDOT or aligning our information messaging with other cities.
- Study and development of other medium and long term mitigation strategies, including the potential use of the BNSF Corridor in Kirkland for bicycle/pedestrian and mass transit capacity through Kirkland.

# SR 520 Tolling: Traffic Monitoring

## Hourly Volumes

Wednesday, February 16, 2011

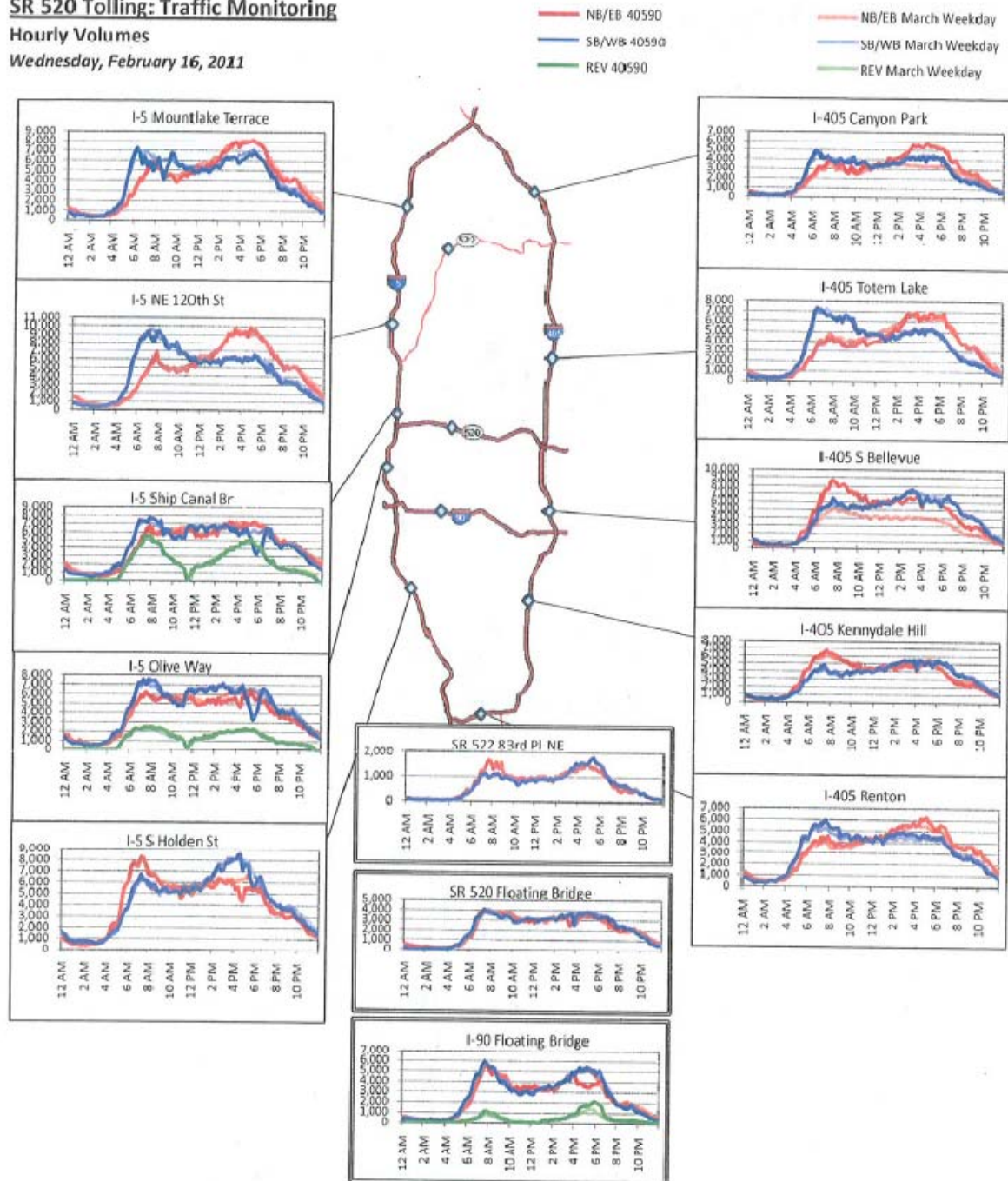


Figure 1 Sample portion of WSDOT daily report showing directional volume at various sites.

## SR 520 Tolling: Traffic Monitoring

### Daily Volumes

Wednesday, February 16, 2011

% change 2/16/11 March weekday	above range of typical variation	below range of typical variation
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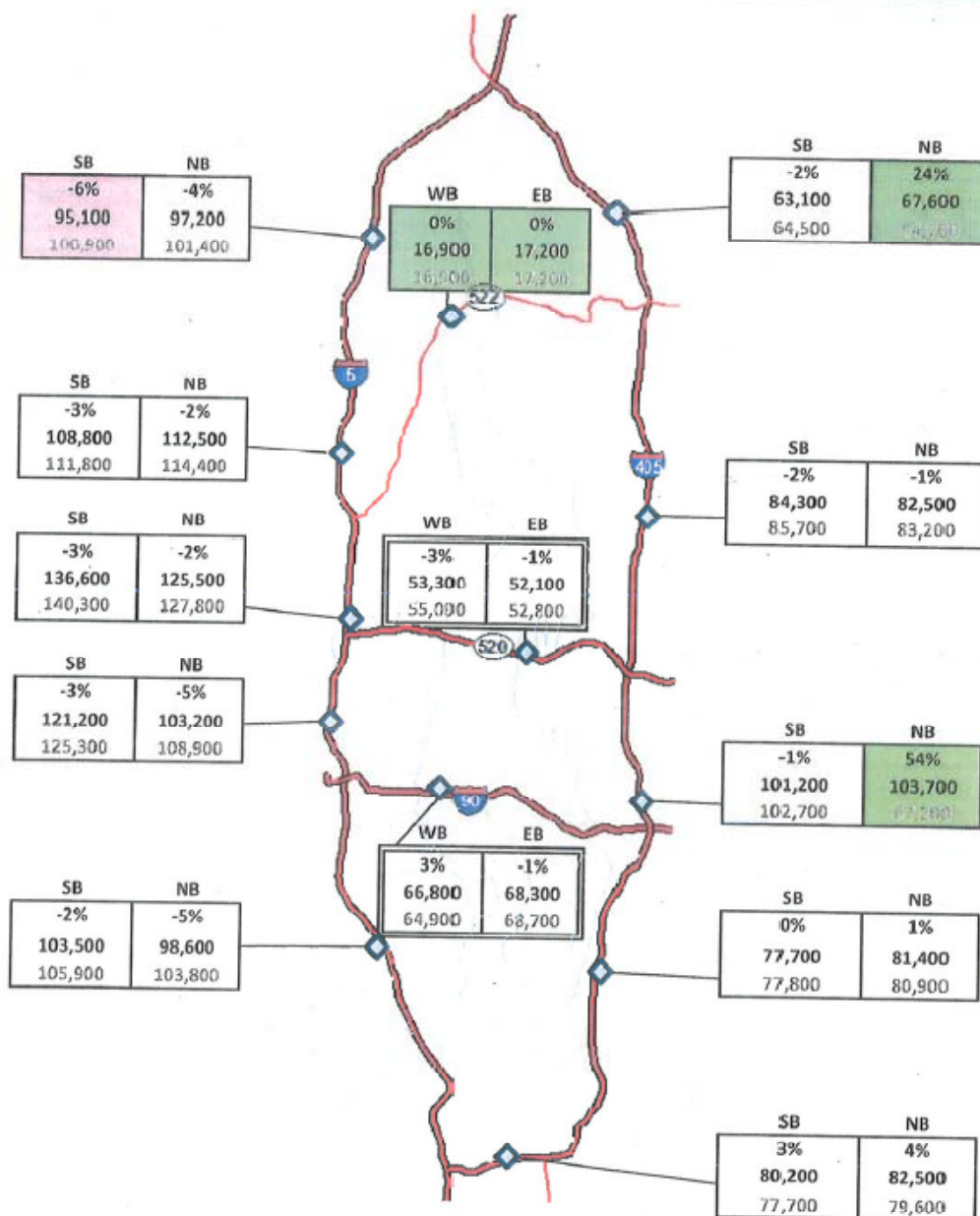


Figure 2 Sample portion of WSDOT daily report showing daily volume and changes from typical volume.

Some measures are currently available to assist with potential impacts. City of Kirkland marketing efforts in the Totem Lake Growth and Transportation Efficiency Center (GTEC) already includes a coordinated effort to offer transit, carpool, and vanpool options to crossing the SR 520 Bridge after tolling begins, and King County Metro has increased frequency of the Route 255 in order to offer additional ridership options.

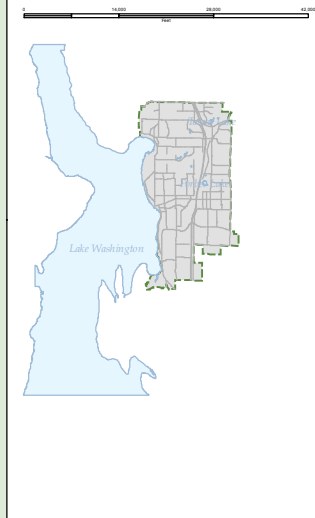
Besides traffic pattern shifts, Park and Ride lots in Kirkland may also see increased use as those crossing the SR 520 Bridge seek transit options. This may lead to increased parking on local public streets resulting in concern from those who live on such streets. Designation of no-parking zones may be possible on some streets although such zones would likely also affect residents as well as those parking to use buses. Residential parking zones would be one way of limiting parking by non-residents. The administration and enforcement of such zones would require labor and funding beyond what is currently in the budget. It may also be possible to encourage people to park on major streets where the impact of parking is less acute or encourage them to reach transit without an additional car trip.

The changes in travel behavior due to tolling may vary widely from day to day after tolling first begins, and to attempt to predict the exact results are premature. Experience with this type of major system change indicates that the most prudent response is to continually monitor the situation and wait for travel patterns to be established prior to identifying and instituting any major actions.



# Map 1 Count locations for Monitoring SR 520 Tolling Impacts

## Vicinity Map

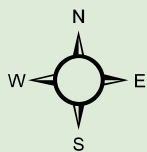


## Legend

### Regional Count Locations

#### Agency, Type

- Kenmore, Tube
- + King County, ITS
- ▲ King County, Permanent
- Kirkland, Seasonal
- WSDOT, Interchange
- ◆ WSDOT, Report
- WSDOT, Tube



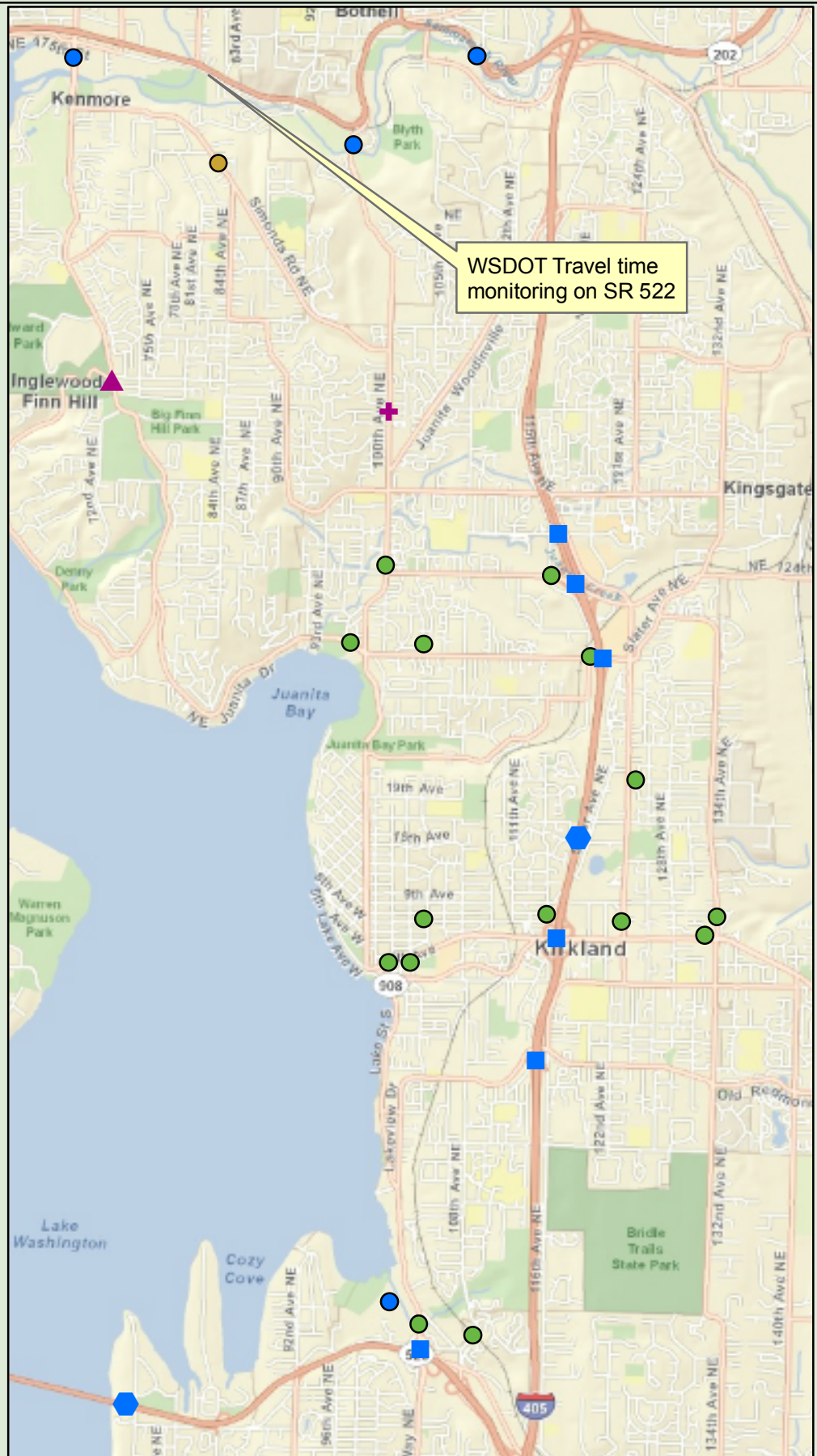
0 2,700 5,400 Feet



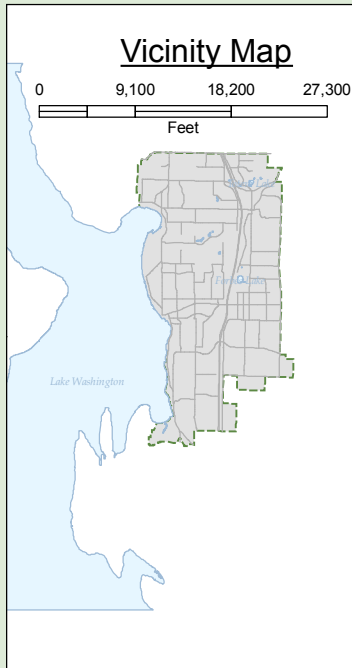
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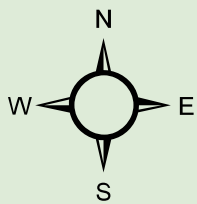


# Map 2 WSDOT Monitoring Locations for Daily Reports



## Legend

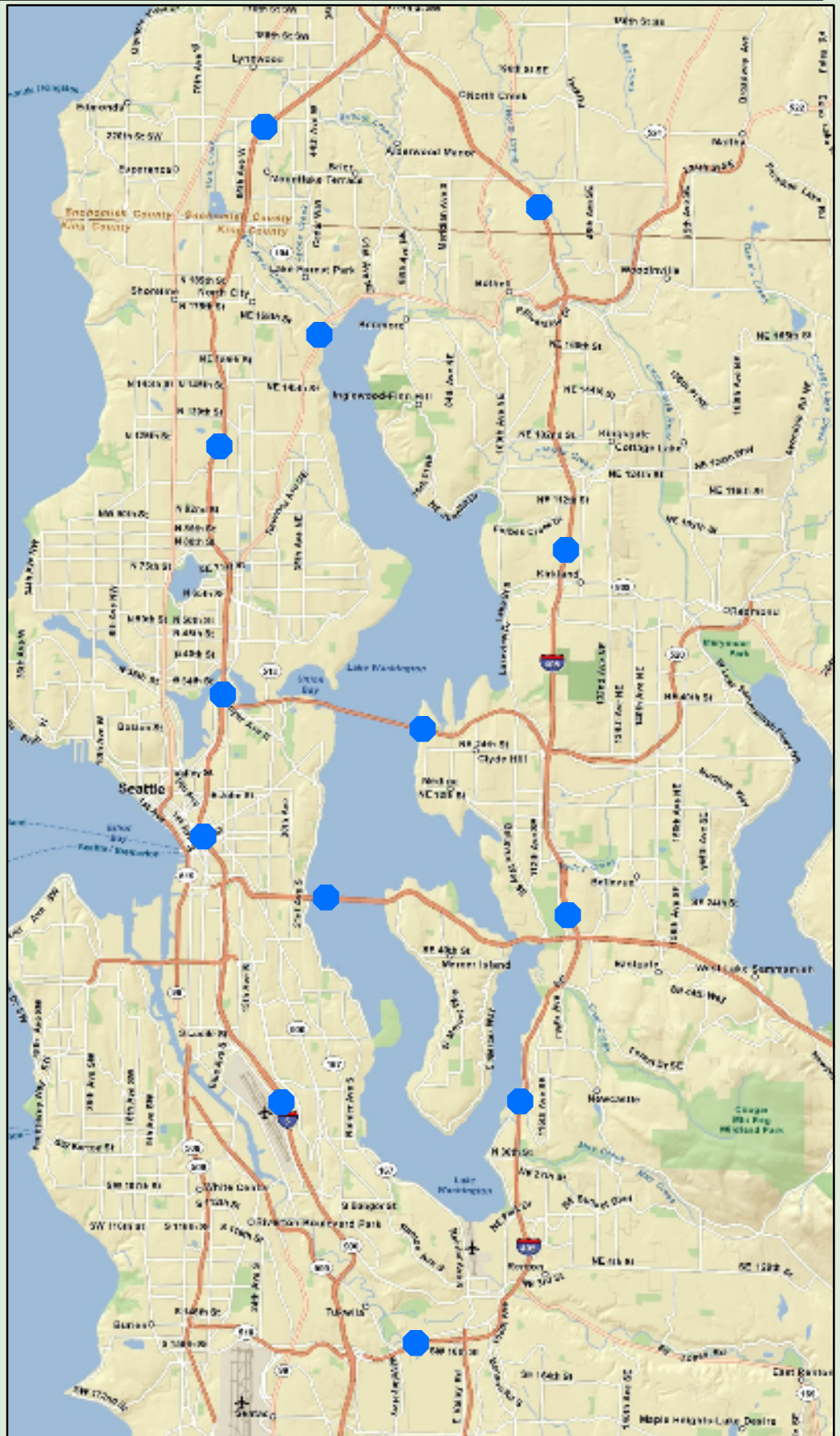
- WSDOT, Report
- World Street Map



0 8,000 16,000 Feet



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**FISCAL NOTE***CITY OF KIRKLAND*

Source of Request														
Ray Steiger, Interim Public Work Director														
Description of Request														
Request for funding of \$5,000 from the Street Improvement Reserve for traffic counts to monitor the change in traffic patterns from the impact of SR 520 tolling.														
Legality/City Policy Basis														
Fiscal Impact														
<b>One-time use of \$5,000 from the Street Improvement Reserve.</b> The reserve is able to fully fund this request.														
Recommended Funding Source(s)														
<b>Reserve</b>	Description	2012 Est End Balance	Prior Auth. 2011-12 Uses	Prior Auth. 2011-12 Additions	Amount This Request	Revised 2012 End Balance	2012 Target							
	Street Improvement Reserve	1,215,693	0	0	5,000	1,210,693	N/A							
<b>Revenue/Exp Savings</b>														
<b>Other Source</b>														
Other Information														

Prepared By	Neil Kruse, Senior Financial Analyst	Date	March 28, 2011
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## **CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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### **MEMORANDUM**

**Quasi-judicial**

**To:** Kurt Triplett, City Manager

**From:** Susan Lauinger, Project Planner  
Eric Shields, Planning Director

**Date:** March 24<sup>th</sup>, 2011

**Subject:** Central Park Tennis Club Expansion; FILE: ZON10-00022 (IIB)

### **RECOMMENDATION**

City Council considers the Process IIB Zoning Permit for the Central Park Tennis Club application and decides whether to pass a resolution to grant the application as recommended by the Hearing Examiner.

### **BACKGROUND DISCUSSION**

#### **IIB Process**

This application is reviewed under Process IIB in which the Hearing Examiner holds a public hearing then makes a recommendation to the City Council for the final decision.

This is a quasi-judicial process. Quasi-judicial processing is for permits that require a hearing, involve discretionary criteria for approval, and require the decision-maker to review the facts and applicable code to issue a decision (similar to a judge). The hearing of the Hearing Examiner is the hearing for the City Council.

The City Council has three options when reviewing the IIB process application:

- Grant the application as recommended by the Hearing Examiner
- Modify and then grant the application; or
- Deny the application



## **RULES FOR CITY COUNCIL CONSIDERATION**

The City Council shall consider the Zoning Permit application based on the record before the Hearing Examiner, and the recommendation of the Hearing Examiner. Process IIB does not provide for testimony and oral arguments. However, the City Council in its discretion may ask questions of the applicant and the staff regarding facts in the record, and may request oral argument on legal issues.

**Option to adopt resolution on April 5<sup>th</sup>, 2011:** Under the Council Rules of Procedure, Section 26, the City Council shall consider a Process IIB application at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and instead vote on the application at the initial meeting.

In the alternative, the Council may direct the application be considered at a reopening of the hearing before the Hearing Examiner and specify the issues to be considered at the hearing.

Because there were no challenges to the Hearing Examiner recommendation, suspending the rule to vote at the next Council meeting and passing the attached Resolution approving the application may be something the Council wishes to consider.

### **Central Park Tennis Club Proposal** (Site map is included at the end of the memo)

The Central Park Tennis Club facility has been in existence since 1972, became part of the City of Kirkland with annexation in 1986, and currently has the following “members only” club facilities focused on tennis

- 2 existing indoor courts, and 6 outdoor (total of 14 courts)
- A 69 stall parking lot with access from 127<sup>th</sup> Ave NE
- A main facility with offices, workout facilities, services such as massage and child care, and a small café

The Tennis Club is proposing to expand its existing facility to include the following:

- one new 4 court indoor tennis building (31,739 square feet),
- a reconfigured expanded parking lot (from 69 stalls to 103 stalls), and
- a new entrance—closing off the entrance at 127<sup>th</sup> Ave NE and moving it to an easement called 125<sup>th</sup> Lane NE (private), which accesses directly off of NE 60<sup>th</sup> Street.

### Public Comment

During the public comment period, several residents of the Hunt Club development wrote in to comment about traffic issues that would be created by the new access to 125<sup>th</sup> Lane NE, which is also the main access to the Hunt Club properties and Commercial Equestrian Facility. Most of their concerns centered on traffic and especially traffic as it relates to Ben Franklin Elementary School drop off and pick up times. These written comments were further emphasized in the testimony at the public hearing (see enclosure 2 for minutes). Hunt Club residents spoke about traffic and safety issues during the hearing and showed a video of traffic related to the school.

The residents of the Flying Horseshoe Tracts, an equestrian development south of the Tennis Club, also wrote letters. Those letters are found in the Staff Addendum report (Exhibit C of Hearing Examiner Report). These residents wrote mostly in support of the Tennis Club proposal to close off their existing access at 127<sup>th</sup> Lane NE. They further wrote of issues that have come up in the past such as noise created by fans on the tennis buildings and tree retention. These items have been addressed in the staff report and staff report addendum (see Exhibits A and C of the Hearing Examiner report). These residents did not speak at the hearing.

There were no appeals of the SEPA determination and no challenges to the Hearing Examiner Decision.

### Public Hearing

The Hearing Examiner held an open record public hearing on February 17<sup>th</sup>, 2011 (see Enclosure 2 for minutes). City Staff, the applicant and residents within The Hunt Club testified during the hearing. Staff recommendations can be found in the hearing packet (See Exhibits A and C). The recommendations created by City staff center around mitigation of any adverse impacts to the surrounding neighborhood such as tree retention around the edges of the new building and additional landscaping and fencing around the new parking lot that would protect surrounding neighborhoods.

On February 26<sup>th</sup>, 2011 the Hearing Examiner recommended approval of the application with conditions per Staff's recommendation and, based on the testimony at the hearing, recommended the following three additional "conditions of approval":

1. The applicant shall revise the plans to provide direct access from the proposed parking lot to the adjacent vacant field owned by the Tennis Club. Such access shall be designed to City standards and subject to approval by the Public Works Department, and shall remain open at all times when the club is in operation.

2. During special Tennis Club events, the Club shall provide access to the vacant lot on the property for event parking via the gate on NE 60th St., and provide egress from the lot via the gate on 125th Ln. NE. Access from NE 60<sup>th</sup> St. must meet site distance requirements and be approved by the Public Works Department.
3. Under the direction of the Public Works Department, the applicant shall remove and replace the failed portions of the surface of 125th Ln. NE, and install a five-foot-wide sidewalk along the east side of 125th Ln. NE from NE 60th St. to the entrance to the new parking lot.

**ENCLOSURES** (below is an overhead view of the Tennis Club property)

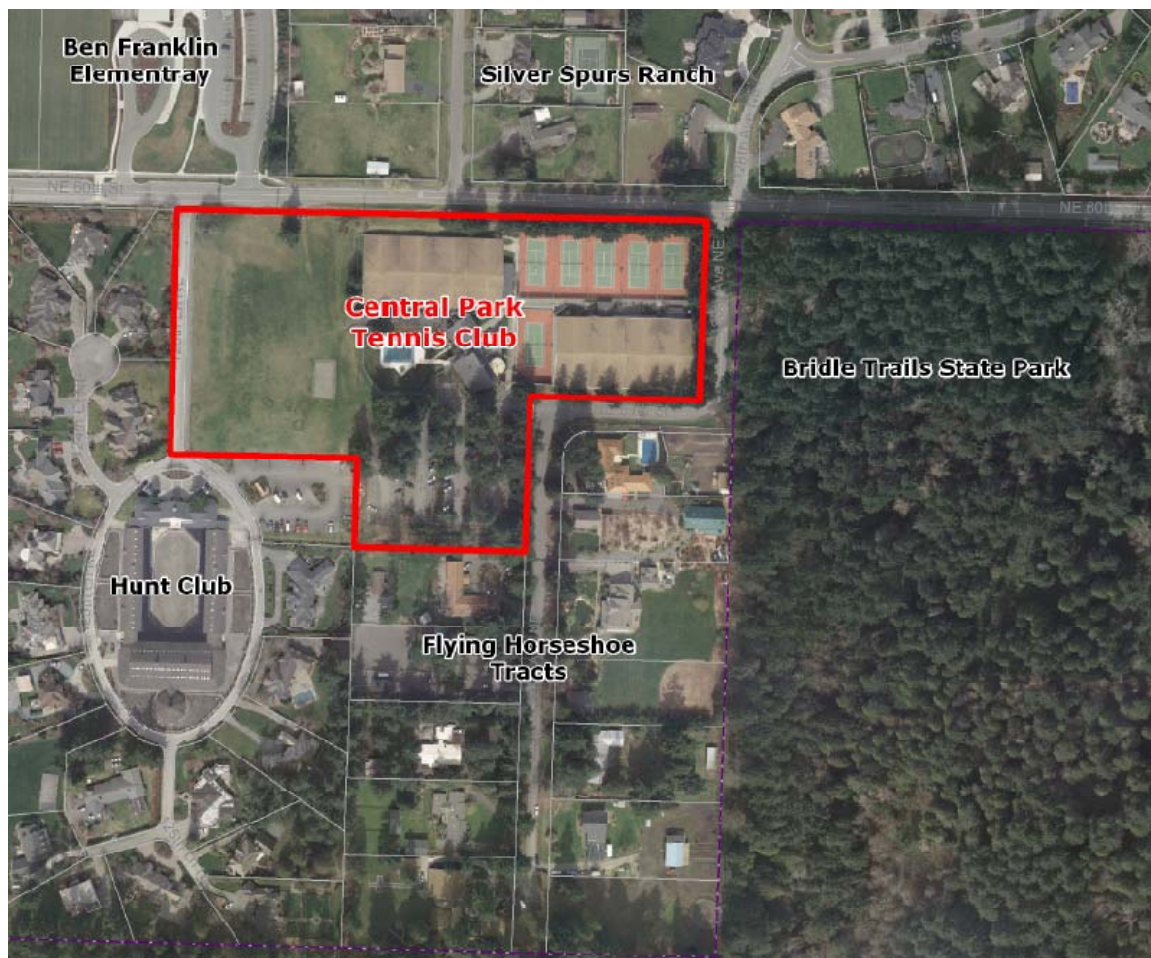
**Note:** Due to the size of the reports and exhibits, the complete HE recommendation can be found at the following link:

<http://www.ci.kirkland.wa.us/Assets/Hearing+Examiner+Recommendation+ZON10-00022+-+2.pdf>

The two videos listed in the exhibits are on discs and located in the council study.

For your convenience the following attachments are included:

1. Hearing Examiner Recommendation (without exhibits)
2. Hearing Examiner Hearing Minutes
3. Resolution approving the application



Overhead view of project site in red above.

**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS AND RECOMMENDATION**

---

**APPLICANT:** Larry Ho of Freiheit and Ho Architects, on behalf of the Central Park Tennis Club

**FILE NO:** ZON10-00022

**APPLICATION:**

**Site Location:** 12630 Northeast 59th Street.

**Request:** The Applicant seeks approval to build a new indoor tennis building housing four courts where the Tennis Club's existing parking lot is located, to limit the existing Tennis Club access on 127th Avenue Northeast to a service entrance and relocate the primary access entrance to 125th Lane Northeast, and to construct a new parking lot off of the new primary entrance.

**Review Process:** Process IIB, the Hearing Examiner conducts a public hearing and makes a recommendation to the City Council, which makes a final decision.

**Major Issues:** Compliance with Zoning Code criteria and applicable development regulations related to height and berming requirements, street improvements, and the proposed new access point for the Tennis Club.

**Department's Recommendation:** Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the application at 7:00 p.m. on February 17, 2011, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available in the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Examiner visited the site visit in advance of the hearing.

**PUBLIC COMMENT:**

The public comment period ran from September 30, 2010 to October 18, 2010. The Planning and Community Development Department (hereafter Department) received 10 comment letters during this period. (Enclosures 10-19 of Attachment 7 to the Department's Advisory Report

**Hearing Examiner Recommendation**

**File No. ZON10-00022**

**Page 2 of 16**

dated February 8, 2011 (hereafter Exhibit A))<sup>1</sup>. An additional comment letter was received in January of 2011 and is included as Attachment 8 to Exhibit A.

Public testimony and additional public comment letters were also submitted at the hearing, along with an addendum to the staff report. Exhibits C, D and E. A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this recommendation. The testimony is summarized in the hearing minutes.

Some public comments expressed support for the proposal, and there was widespread support for the multi-use path proposed along the north side of NE 60th St. Concerns expressed generally related to: 1) traffic and safety impacts from the Tennis Club's utilizing 125th Ln. NE as its primary access, particularly in conjunction with traffic and parking issues associated with the elementary school on NE 60th St.; 2) driving behavior of Tennis Club members; 3) hours of operation for the Tennis Club's accessory uses; 4) noise from building exhaust fans; 5) light from car headlights in new parking lot; and 6) screening for the new building.

## **FINDINGS AND CONCLUSIONS**

For purposes of this recommendation, all section numbers refer to the Kirkland Zoning Code (KZC or Code) unless otherwise indicated. After considering the evidence in the record and inspecting the site, the Examiner enters the following findings of fact and conclusions:

### **I. SITE DESCRIPTION**

#### **A. Site Development and Zoning:**

##### **1. Facts:**

- a. Size: The site consists of three separate parcels: Parcel A has 4.56 acres; Parcel B has 2.11 acres and Parcel C has 2.75 acres. Only parcels A and C are proposed for development; Parcel B will remain a vacant lot. The total acreage for the application is 7.31 acres.
- b. Land Use: The property is used as a commercial recreational facility with the main focus as a private membership Tennis Club with 14 existing courts (6 outdoor and 8 indoor). Existing structures include two indoor court buildings and a multipurpose building. There is also an outdoor pool that includes a hot tub and volleyball court. The facility provides other services such as childcare, a fully equipped fitness center, lessons, a meeting room, various classes relating to health and fitness and related services such as massage. It also includes a café that is open to the public, but has limited hours open most days, and some nights until 9:00 p.m.) and limited seating (7 tables).

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<sup>1</sup> At the hearing, the exhibits were mistakenly marked using numerals. They have been re-marked using capital letters of the alphabet in accordance with normal City practice. Thus, the exhibit formerly marked as Exhibit 1 is now Exhibit A, the exhibit formerly marked as Exhibit 2 is now Exhibit B, etc.

- c. Zoning: PLA 16 (Planned Area 16). Within this zoning designation, "Commercial Recreation Area and Use" is an allowed use.
- d. Terrain and Vegetation: The terrain on the site of the proposed indoor tennis court and parking lot slopes down from 526 feet along the west side to 514 feet on the east property line at 127<sup>th</sup> Ave NE.

The new building is to be placed in the existing parking lot, which is heavily treed. The arborist's report (Attachment 4 to Exhibit A) shows that, depending upon the results of a "root excavation," it may be possible to save 17 of the 96 trees in the area that will be impacted by the new building and parking lot. (See tree inventory, Attachment 5 to Exhibit A.)

- 2. Conclusions: Terrain and vegetation are factors in this application. Parcel size, land use, and zoning are not.

B. Neighboring Development and Zoning:

- 1. Facts: (Attachment 6 to Exhibit A provides an overhead view of the surrounding development).
  - a. North: To the north of the Tennis Club are Ben Franklin Elementary School and a single family neighborhood called Silver Spurs with a zoning designation of RSX 35 (35,000 square foot minimum lot size).
  - b. East: 128<sup>th</sup> Ave NE, NE 59<sup>th</sup> Street, and 127<sup>th</sup> Avenue NE border on the east of the Tennis Club site. Bridle Trails State Park is across 127<sup>th</sup> Ave. NE from a section of the Tennis Club property; single family homes are across 127<sup>th</sup> Ave. NE from the proposed location for the new structure. The existing entrance and parking lot are at the corner of 127<sup>th</sup> Ave NE and NE 59<sup>th</sup> street.
  - c. South: To the south of the Tennis Club is a small neighborhood called Flying Horseshoe Tracts, which has a zoning designation of PLA16 and includes 12 lots, all approximately 35,000 square feet in size. 127<sup>th</sup> Avenue dead-ends in this neighborhood, which is surrounded on two sides by Bridle Trails State Park.
  - d. West: The Hunt Club Equestrian Center and 20 associated single family lots border the Tennis Club to the west. The existing lots are large, although the master plan allows lots of 14,500 square feet due to the equestrian center and facility. The equestrian center within this neighborhood has a large arena and barn and associated offices, parking lot and circulation. The Hunt Club equestrian center and residences use a 30-foot-wide, two-lane private access easement, developed as 125<sup>th</sup> Lane NE, across Tennis Club property as their primary access.
- 2. Conclusion: Neighboring residential and school development is a factor in the consideration of this application.

**Hearing Examiner Recommendation**

**File No. ZON10-00022**

**Page 4 of 16**

II. HISTORY

A. Facts:

1. The Central Park Tennis Club was established in 1972 under the jurisdiction of King County as a member-owned Club on the current site.
2. In 1973, the Tennis Club granted a 30-foot, non-exclusive easement for ingress, egress and utilities, from NE 60th St. across the west edge of its property, for the benefit of what ultimately became the Hunt Club Equestrian Center and residences. (*See* Exhibits I, J and K.) The easement is along what is now known as 125th Lane NE, which has been improved with brick pavers and is privately maintained.
3. The City of Kirkland annexed the neighborhood in 1986 and created zoning regulations for it (PLA16).

B. Conclusion: The proposed access along 125th Pl. NE is available to the Central Park Tennis Club.

III. STATE ENVIRONMENTAL POLICY ACT (SEPA)

A. Facts:

1. A Determination of Non-significance (DNS) was issued for the proposal on January 5, 2011. *See* Environmental Checklist, Determination, and additional environmental information included in Attachment 7 to Exhibit A, which also includes most of the public comment letters (Enclosures 1- 21).
2. The DNS was not appealed.

B. Conclusion: The City has satisfied SEPA requirements.

IV. CONCURRENCY

A. Facts: The Public Works Department reviewed the application for concurrency (*see* Attachment 7 to Exhibit A, Enclosures 5 and 7). The application passed a concurrency test on September 19, 2010.

B. Conclusion: The City satisfied the requirements for Concurrency review. The applicant each should follow the requirements set forth in Attachment 7 to Exhibit A.



## V. DEVELOPMENT REGULATIONS

## A. General Layout and Site Development Standards

1. Facts:

- a. The site development standards for a Commercial Recreation Area and Use in the PLA16 zone are set forth in KZC 60.182.030 (Attachment 9 to Exhibit A).
- b. The minimum lot size is one acre, and the proposal and existing tennis facility will be located on 7.31 acres.
- c. Twenty-foot yards are required on all sides, and the plans show that the proposed building will be set back further than the required 20 feet.
- d. A maximum lot coverage of 80 % is allowed, and the plans show that proposed coverage is 66.3%.
- e. Height is limited to 38 feet above average building elevation, and the application shows that the new structure would be 33.7 feet above average building elevation.
- f. In this location, special regulation 3 for the PLA 16 zone requires that structures exceeding 25 feet above average building elevation place the ground floor below existing grade to the extent possible and screen it with a vegetative earthen berm.

The proposed structure will exceed 25 feet above average building elevation on all sides, but the Public Works Department has indicated that berming would not be allowed on top of the existing 30-foot-wide utility easement along the southern property line that is closest to the new indoor tennis structure.

- g. Special regulation 4 requires a 20-foot-wide sight obscuring landscape buffer along the west and south perimeters of the property. This exceeds the otherwise applicable landscape requirements for the proposal under KZC 95.42. The landscape plans show the required buffer and use of a variety of trees and shrubs with characteristics that can achieve the goal of obscuring the building from neighboring properties along both perimeters. (See Attachments 10 through 13 to Exhibit A.)
- h. Special regulations 3 and 4 reflect an intent that structures the property, particularly those above 25 feet in height, be obscured and buffered. The applicant proposes to meet the intent through the landscape buffer noted above and use of the following additional measures:
  - (1) Setbacks will be increased from the required 20 feet to between 27 and 40 feet on all sides.
  - (2) The structure will be placed 12 feet below grade at the west side, but finished grade on the east side will generally follow existing grade, which is built up approximately one to two feet. This allows for retention of the maximum number of existing mature trees for use as

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a vegetative screen along 127<sup>th</sup> Ave. NE this and as an alternative to berming for mitigation of building height. It also maintains vehicular access to the back of the structure. Because additional evaluation is required to determine whether these trees can be saved, the applicant has supplied alternative conceptual views of the east side. One shows retention of existing trees; the other shows a vegetated earthen berm.

- i. Special regulation 1 allows uses on the property to “include activities such as: indoor and outdoor tennis courts, club house, swimming pool, and other sport court games and ancillary commercial recreation activities.” The proposal would expand the primary use of the property as a tennis club and would have little, if any impact on the range or intensity of the allowed accessory uses.
- j. Special regulation 2 provides that “[h]ours of operation may be limited to reduce adverse impacts on a residential neighborhood.” The Tennis Club operates from 5:45 a.m. to 10:30 p.m. on Mondays through Saturdays, with the last scheduled court time at 8:30 p.m. It opens at 8:00 a.m. on Sundays. Times for the ancillary commercial services vary, but they are provided within Club hours. The application does not propose a change in the hours of operation.
- k. Special regulation 6 provides that “[v]ehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.”
  - (1) Primary vehicular access for the Tennis Club will change from 127<sup>th</sup> Ave NE to 125<sup>th</sup> Lane NE.
  - (2) The transportation impacts of the proposal, including trip generation calculated in accordance with the current edition of the ITE Trip Generation Manual, and access (LOS, queuing and sight distance), were evaluated in a traffic impact analysis (TIA) prepared pursuant to SEPA. (Attachment 7 to Exhibit A, Enclosures 5 and 6)
  - (3) According to the TIA, the proposal would generate 13 PM peak hour trips and 155 net new daily trips. The level of service at the intersection of NE 60th St. and 125th Ln. NE would not change, and sight distances at the same intersection would meet City standards.
  - (4) The City's Transportation Engineer reviewed the traffic impact analysis and approved the change in access for the proposal. He determined that even when the 13 new PM peak hour trips are combined with the 47 trips that would be diverted from 128th Ave. NE to 125th Ln. NE, the impact would not be significant.
  - (5) Emergency service providers also reviewed the proposal pursuant to SEPA and found that it would not have significant adverse impacts on these public services.

- I. The Public Works Department recommends that the applicant remove and replace the failed portions of 125th Ln. NE and install a five-foot-wide sidewalk along the east side of the road from NE. 60th St. to the entrance to the new parking lot.

2. Conclusions:

- a. In addition to the applicant's proposals to meet the intent of special regulations 3 and 4, the applicant should also provide additional screening through use of a fence of sufficient height to block car headlights from shining into surrounding neighborhoods, and should see that the proposed building matches the existing facility in paint color and roof form.
- b. To reduce the impacts of the new building on the residential neighborhood, the exhaust fans in the new building should be oriented toward the north side of the facility to reduce the noise that extends into the neighborhood, and the fans should be on a timer that turns them off no later than 10:00 p.m. each night.
- c. Because the City's DNS for the proposal was not appealed, the Hearing Examiner is foreclosed from considering arguments concerning transportation issues (traffic and safety impacts) that were addressed in the TIA and reviewed pursuant to SEPA.
- d. The Hunt Club residents' concerns with the potential amount of traffic on the road over which they have an access easement are best addressed to a court rather than to the City.
- e. Neighborhood concerns about the driving behavior of Tennis Club members when exiting Club property are best addressed to the Tennis Club itself.
- f. With the provision of a sidewalk along 125th Ln. NE and the pedestrian path proposed across the property (discussed below), vehicular and pedestrian circulation to and from the Tennis Club property would be coordinated with neighboring properties "to the maximum extent possible".
- g. With the recommended conditions, the proposal complies with the requirements of KZC 60.182.030.

B. Right-of-Way Improvements

1. Facts:

- a. KZC 110.10 and 110.25 would require the applicant to make half-street improvements along the street frontage of the subject property.
- b. KZC 110.70 allows applicants to construct offsite pedestrian improvements in lieu of frontage improvements if the Public Works Director agrees that factors such as resulting pedestrian safety would mean such improvements are in the City's interest.
- c. KZC 110.6 allows the City to accept a sidewalk construction-in-lieu if "installation of the required improvement would require substantial

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offsite roadway modifications," or if "other unusual circumstances preclude the construction of the improvements as required".

- d. Construction of frontage improvements would require substantial grading that could cause removal of significant trees and would not connect to any existing pedestrian or equestrian improvements.
  - e. KZC 110.70.3 allows the City to approve a modification to the nature or extent of any required improvement.
  - f. The applicant has submitted a plan for off-site improvements in lieu of frontage improvements to NE 60th St. The plan consists of a pedestrian/equestrian path along the north side of NE 60th St. adjacent to the elementary school. (*See Exhibit B.*) The plan has been endorsed by the Bridle Trails/South Rose Hill Neighborhood Association, the Lake Washington School District, and the Lake Washington Saddle Club.
  - g. The value of the improvements will be approximately \$132,000, which is approximately 75 percent of the value of the required project frontage improvements, in accordance with KZC 110.70.6.b.
  - h. The improvements will consist of a four-foot-wide vegetation buffer along the north edge of NE 60th St. but may be reduced to two feet in some areas due to topographic constraints. Street trees and/or shrubs with low-maintenance groundcover will be used. (*See Exhibit B.*) On the north side of the vegetative buffer, a 7- to 10-foot-wide pedestrian/equestrian pathway will be installed using an approved trail mix base suitable for year-round use by pedestrians and equestrians.
  - i. Although the intent is to construct a vegetative buffer and pathway along the north side of NE 60th St. from the east edge of Ben Franklin elementary school to 132nd Ave. NE, the total length of construction will be limited by the \$132,000 total value for the improvements.
  - j. The Public Works Director recommends approval of the proposed construction-in-lieu improvements to NE. 60th St.
  - k. KZC 110.70.5.c allows for a waiver street improvements along neighborhood access roads in zones with equestrian use.
  - l. The Public Works Department has approved a waiver of street improvements along 127th and 128th Avenues NE and NE 59th St., all of which abut the property and are within an equestrian use overlay.
2. Conclusion: With the recommended conditions, the proposed multi-use path along the north side of NE. 60th St. would meet Code requirements for right-of-way improvements.

C. Access – Walkways

1. Facts:

- a. KZC 105.18 provides pedestrian access requirements for new development.

- b. Pursuant to KZC 105.18, the applicant is proposing a pedestrian path that extends from the back of the new tennis building, beginning at 127<sup>th</sup> Ave NE, through the site, over the new parking lot, connecting to 125<sup>th</sup> Lane NE, and extending to NE 60<sup>th</sup> Street.
    - c. The proposed pedestrian path would connect a single-family neighborhood southeast of the Tennis Club, known as Flying Horseshoe Tracts, to NE 60th St.
  - 2. Conclusion: With the installation of the proposed public pedestrian pathway, the proposal would meet the requirements of KZC 105.18.
- D. Parking Requirements
  - 1. Facts:
    - a. Pursuant to SEPA, the applicant's transportation consultant submitted a parking study that shows a parking demand for the proposal of 99 parking stalls. (See Attachment 7 to Exhibit A, Enclosure 8.)
    - b. The applicant proposes to provide 103 parking stalls plus space for overflow parking in the grass field on the property adjacent to the new parking lot. The field is presently used for the same purpose.
    - c. The City's Transportation Engineer reviewed the parking study and observed that sight distance along NE. 60th St. is reduced when cars are parked along the street. Therefore, he recommended that during special events, or when the parking lot is full, the applicant put out signs instructing drivers not to park on the street or on 125<sup>th</sup> Ln. NE, and directing them to the overflow parking area. He also recommended that employees be required to park on site.
    - d. The Tennis Club presently provides permanent full-time access to the vacant field for overflow parking. The field is also used for special event parking, with access via a gate on NE 60th St. and egress via a gate on 125th Ln. NE.
    - e. Although the applicant is providing just four parking spaces more than the number required at peak demand, the plans do not show any access to the vacant field from the new parking lot for potential overflow parking during normal operations.
  - 2. Conclusions:
    - a. The applicant's plans show a sufficient number of parking stalls for the proposal. However, to insure that potential overflow parking does not occur along 125th Ln. NE or NE 60th St., the applicant should provide direct access from the parking lot to the vacant field on a permanent, full-time basis. The access should be designed to the requirements of the City, with special consideration given to the safety of pedestrians on the adjacent pedestrian path.
    - b. During special Tennis Club events, the Club should provide access to the vacant field on the property for event parking via the gate on NE 60th St., and provide egress via the gate on 125th Ln. NE.

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- c. The applicant should follow all requirements for parking lots as set forth in Chapter 105 KZC, and the parking recommendations of the City's Transportation Engineer.

E. Natural Features - Significant Vegetation

1. Facts:

- a. Chapter 95 KZC provides requirements for tree retention and tree plans. KZC 60.182.030 provides an additional special regulation 5 that requires existing natural vegetation to be maintained "to the greatest extent possible".
- b. Approximately 95 significant trees are growing on the parcel where the new structure and parking lot will be constructed.
- c. The applicant submitted a rationale for constructing the new building and parking lot in their proposed location. (*See Attachment 17.*)
- d. The applicant has submitted a tree plan, prepared by a certified arborist, that evaluates the trees and potential for tree retention. The report indicates that it may be possible to retain 17 trees, depending upon the results of "early root excavation" for the trees. The report does not include the information required by Chapter 95 KZC about offsite trees. (*See Attachments 4 and 5 to Exhibit A.*)

2. Conclusions:

- a. The applicant should submit an additional arborist report, including early root excavation results, for review by the City's Urban Forester prior to submitting a building or land surface modification permit. This plan should follow the requirements set forth in Chapter 95.30 KZC for tree retention plans and should include any offsite trees that may be affected by development of the site.
- b. Based on the results of the early root excavation, the applicant should submit a tree plan for review by the City's Urban Forester that evaluates final tree retention, with the goal of retaining existing significant trees where feasible.

VI. GENERAL ZONING CODE CRITERIA

- A. Fact: KZC 152.70.3 states that a Process IIB application may be approved if "it is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan," and "is consistent with the public health, safety, and welfare."

B. Conclusions:

- 1. With the recommended conditions, the proposal would comply with all applicable development regulations. Because such development regulations exist, no analysis of comprehensive plan compliance is required by KZC 152.70.3.
- 2. With the recommended conditions, the proposal would be consistent with the public health, safety, and welfare because it allows the Tennis Club to utilize its property potential, but in accordance with applicable City development regulations designed to mitigate impacts to the surrounding neighborhood and adjacent uses. The proposal also promotes the equestrian character of the neighborhood through construction of a multi-use path that will

accommodate equestrian traffic while providing safe passage for pedestrians and school children walking to and from Ben Franklin Elementary School.

VII. DEVELOPMENT STANDARDS

- A. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 3 to Exhibit A.
- B. Conclusion: The applicant should follow the requirements set forth in Attachment 3 to Exhibit A.

**RECOMMENDATION**

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the Council approve the application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3 to Exhibit A, Development Standards, is provided to familiarize the applicant with some of the additional development regulations; it does not include all of the additional regulations.
2. The applicant shall install a fence of sufficient height and in a location on the property to block automobile headlights from shining into surrounding neighborhoods, and shall maintain the fence in good condition.
3. The applicant shall construct the proposed building with a roof form that matches that of existing buildings on the property and shall also paint it in a color to match those buildings.
4. The exhaust fans in the proposed building shall be oriented toward the north side of the facility in a manner that allows the least amount of noise to extend into the neighborhood. The exhaust fans shall also be connected to a timer that automatically turns them off no later than 10:00 p.m. each night.
5. Prior to submitting any permits, the applicant shall submit a report by a certified arborist who has performed or attended a "root excavation" for trees slated for retention in the tree retention plan and arborist report submitted for this project. The new arborist report shall be combined with a tree retention plan that adheres to all tree plan components required by Chapter 95 KZC and by the Planning Official, including offsite trees that may be affected by the development. The plan shall be reviewed and approved by the City's Urban Forester.
6. As part of any permit submission for the proposal:
  - a. If the trees along the east side of the new tennis structure cannot be retained, the applicant shall submit new plans that show a vegetative earthen berm on the east side of the structure, planted with sight-obscuring vegetation.

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- b. Any changes to plant selection shown in the landscape plan shall be reviewed by the Planning Department for conformance with special regulations 3, 4, and 5 of KZC 60.182.030. Attachment 13 to Exhibit A shows a contingency plan that shall be followed to provide a sight obscuring landscape buffer if the significant trees along the east property line cannot be saved.
  - c. All ancillary uses shall operate within the hours of operation for the Tennis Club as stated in Attachment 14 to Exhibit A, and shall be accessory to the primary approved use as a membership tennis club. Expansion of any ancillary use shall require prior approval of the Planning Department
7. A modification is granted to the Tennis Club for sidewalk improvements. As part of the land surface modification permit, the applicant shall submit construction plans to the Public Works Department for the approved construction-in-lieu improvements on the north side of NE 60<sup>th</sup> St. that extend from the east edge of Ben Franklin Elementary school as far toward 132<sup>nd</sup> Ave NE as is feasible within the construction in lieu valuation of \$132,000. Additionally, instead of standard curb, gutter and sidewalk improvements, a modification is granted to build a single path with a 4-foot-wide landscape buffer, reduced to 2 feet in some areas due to topographic constraints, between NE 60<sup>th</sup> St. and the path. The applicant shall work with the Public Works Department to build the path with materials that can be utilized by pedestrians, school children, and equestrians, and for approval of the buffer plantings. The pedestrian path will vary in width from 7-10 feet, depending on topographic constraints, but should be reduced to 7 feet only in areas with topographic constraints that cannot feasibly be mitigated with fill material and a retaining wall, as determined by the Public Works Director.
8. Prior to obtaining a Certificate of Occupancy, the applicant shall install a public pedestrian pathway, as shown on the plans, extending from 127<sup>th</sup> Ave NE to NE 60<sup>th</sup> Street. The path shall be built per Public Works Standards as found in Attachment 3 to Exhibit A. The path shall remain open to the public, and the applicant shall submit a public pedestrian easement in a form approved by the City Attorney.
9. During special Tennis Club events, the Club shall put out signs to instruct attendees not to park on 125<sup>th</sup> Lane NE, 60<sup>th</sup> Street NE or within the neighborhoods surrounding the Tennis Club. Attendees shall be instructed to park either in the proposed club parking lot or on the vacant field owned by the Club. Additionally, the Tennis Club shall instruct employees to park on site. The applicant shall follow all requirements for parking lots set forth in Chapter 105 KZC and show those requirements on any plans submitted
10. The applicant shall revise the plans to provide direct access from the proposed parking lot to the adjacent vacant field owned by the Tennis Club. Such access shall be designed to City standards and subject to approval by the Public Works Department, and shall remain open at all times when the club is in operation.
11. During special Tennis Club events, the Club shall provide access to the vacant lot on the property for event parking via the gate on NE 60<sup>th</sup> St.,



and provide egress from the lot via the gate on 125th Ln. NE. Access from NE 60<sup>th</sup> St. must meet site distance requirements and be approved by the Public Works Department.

12. Under the direction of the Public Works Department, the applicant shall remove and replace the failed portions of the surface of 125th Ln. NE, and install a five-foot-wide sidewalk along the east side of 125th Ln. NE from NE 60th St. to the entrance to the new parking lot.

Entered this 26<sup>th</sup> day of February, 2010.

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Sue A. Tanner  
Hearing Examiner

### **SUBSEQUENT MODIFICATIONS**

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

### **CHALLENGES AND JUDICIAL REVIEW**

The following is a summary of the deadlines and procedures for challenges. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

#### **CHALLENGE**

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., \_\_\_\_\_, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

#### **JUDICIAL REVIEW**

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

### **LAPSE OF APPROVAL**

The applicant must submit to the City a complete building permit application approved under Chapter 125 within four (4) years after approval of the Final PUD, or the lapse provisions of Section 152.115 will apply. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within six (6) years after approval of the Final PUD, or the decision becomes void.

#### **TESTIMONY:**

The following persons testified at the public hearing:

**From the City:**

Susan Lauinger, Project Planner

Rob Jammerman,

Development Engineering Mgr.

Dept. of Public Works

Thang Nguyen,

Transportation Engineer

Dept. of Public Works

**From the Applicant:**

Larry Ho, Architect

Chris Forster, Professional Engineer

Andrew Held

Brent Carson, Attorney-at-law

**From the Public:**

Jim McElwee

Fred Fredrickson

Robin Jones

Elaine Spencer, Attorney-at-law

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**EXHIBITS:**

The following exhibits were offered and entered into the record at the public hearing:

- A. Department of Planning and Community Development Staff Advisory Report dated February 8, 2011, with 18 attachments
- B. Update to Attachment 16 to Exhibit A.
- C. Addendum to Exhibit A with nine attached public comment letters
- D. Comment letters from 23 students at Ben Franklin Elementary School
- E. Comment letters from Ben Franklin Elementary School PTA and Glen G. Simmons
- F. E-mail from Ellen McMahon to Andrew Held dated November 29, 2006
- G. Andrew Held PowerPoint presentation
- H. Letter from Central Park Tennis Club to Central Park Tennis Club Neighbors dated August 17, 2010
- I. 1973 Easement document
- J. Letter from Central Park Tennis Club to Teresa J. Swan dated August 31, 1987
- K. Letter from Teresa J. Swan to Central Park Tennis Club dated February 10, 1988
- L. Ten-minute DVD of traffic on NE 60th St. associated with Ben Franklin Elementary School
- M. Full-length DVD of traffic on NE 60th St. associated with Ben Franklin Elementary School
- N. Copy of decision in *Colwell v. Etzell*, 119 Wn.App. 432, 81 P.3d 895 (2003).
- O. Annotated photograph of map associated with notice of application
- P. Declaration of Irene Campbell regarding traffic counts for the Central Park Tennis Club
- Q. Annotated photographs of parking along NE 60th St.
- R. Annotated copy of Attachment 7 to Exhibit A
- S. Annotated copy of Attachment 22 Exhibit A



**KIRKLAND HEARING EXAMINER**  
**February 17, 2011**

**1. CALL TO ORDER**

Hearing Examiner Sue Tanner called the meeting to order at 7:00 p.m.

Members Present: Sue Tanner - Hearing Examiner.

Members Absent: None.

Staff Present: Susan Lauinger - Planner, Jeremy McMahan - Planning Supervisor,  
Rob Jammerman - Development Engineering Manager, Thang Nguyen  
- Transportation Engineer, and Jeannie Dines - Recording Secretary.

**2. PUBLIC HEARINGS**

**A. Central Park Tennis Club, File No. ZON10-00022, Address 12630 NE 59th Street**

Hearing Examiner Sue Tanner opened the public hearing at 7:00 p.m. She provided the file number ZON10-00022, and address 12630 NE 59th Street. She described the procedure for the hearing, advising she will provide a written recommendation to the City Council within 8 calendar days.

An audience member raised a procedural questions regarding cross examination.

Ms. Tanner swore in Planner Susan Lauinger. Ms. Lauinger submitted the following exhibits:\*

Exhibit 1: Staff Report with attachments

Exhibit 2: Replacement of Staff Report Attachment 16, a plan view from Blue Line of sidewalk improvements

Exhibit 3: Addendum to Staff Report that includes 8 additional comment letters

Exhibit 4: Letters from students at Ben Franklin Elementary

Exhibit 5: Letters from Ben Franklin PTA President and Glen Simonds

Ms. Lauinger presented the Staff Report regarding the Central Park Tennis Club's request to construct a new indoor tennis court which displaces the existing parking lot, construct a new 103-stall parking lot, close the existing access from 128th and provide access from 125th Lane NE, a private access easement owned by the CPTC that currently serves as the main access for the Hunt Club.

She described the SEPA review and Determination of Non-Significance issued by the City that was not appealed. Staff recommends approval of the CPTC proposal with ten conditions.

\* Note - The Hearing Examiner subsequently changed exhibit references from numerical to alphabetical, ex. 1=a, 2=b etc.

Ms. Tanner asked questions about the sidewalk on 125th Lane NE, road materials, and access to the vacant lot.

Elaine Spencer, attorney representing the Hunt Club Homeowner Association, 2801 Alaskan Way, Ste. 300, Seattle, asked questions of Ms. Lauinger regarding the private access easement to the Hunt Club.

Ms. Tanner swore in Development Engineering Manager Rob Jammerman who responded to questions posed by Ms. Spencer regarding road standards.

Ms. Tanner swore in Transportation Engineer Thang Nguyen who responded to questions by Ms. Spencer regarding trip generation, sight distance, and parking.

Ms. Spencer provided the Hearing Examiner and Mr. Nguyen pages from the Parking Study and asked questions about parking.

Ms. Tanner swore in Larry Ho, Freiheit and Ho Architects, 10230 NE Points Drive, Ste 300, Kirkland. Mr. Ho described the history of the CPTC, operation, buildings, property for expansion, access, surrounding uses, proposed building, parking, access and sidewalks.

Ms. Tanner inquired about access to the overflow parking area.

Ms. Spencer asked Mr. Ho about access to the grass overflow parking area. She provided the Hearing Examiner the Parking Plan in the Staff Report.

Ms. Tanner swore in Chris Foster, Project Manager, Transportation Engineering NW, 816 6th Street South, Kirkland, who reviewed findings in the Traffic Impact Analysis and the Parking Demand Study.

Ms. Tanner swore in Andy Held, 5505 127th Avenue NE, Kirkland. Mr. Held described public involvement and outreach done by CPTC regarding the proposed expansion. He described how the project evolved as a result of public input, and the history of the relationship between the CPTC and the neighborhood. He submitted the following exhibits:

Exhibit 6: Letter from the City's Neighborhood Traffic Program Coordinator to CPTC dated November 29, 2006

Exhibit 7: PowerPoint regarding public involvement

Exhibit 8: Letter from CPTC inviting neighbors to meeting

Ms. Tanner swore in Brent Carson, Gordon Derr, 2025 1st Avenue, Seattle. Mr. Carson reviewed and submitted the following exhibits:

Exhibit 9: 1973 easement document

Exhibit 10: Letter dated August 1987 from the CPTC General Manager to the City when the Hunt Club plat was being considered

Exhibit 11: Letter dated February 10, 1988 from the City to the CPTC stating the 22' foot roadway would be sufficient to accommodate traffic from both developments

Mr. Carson requested the Hearing Examiner recommend approval of their proposal.

Ms. Spencer asked questions of Mr. Held regarding the number of CPTC members, number of tennis courts, use of courts, and snack bar. She asked questions of Mr. Foster regarding the Parking Study and Traffic Study.

Mr. Carson asked questions of Mr. Foster.

Ms. Tanner swore in each member of the public before they spoke.

Jim McElwee, President, South Rose Hill/Bridle Trails Neighborhood Association, relayed the Association's appreciation for improvements to NE 60th and expressed interest in limiting traffic on 128th Avenue NE.

Robin Jones, 5811 124th Ct NE, Kirkland, President, Kirkland Hunt Club Neighborhood Association, asked questions regarding the entrance to the overflow parking and the proposed new parking lot. The Hunt Club Homeowners Association did not appeal the SEPA Determination due to a lack of funds.

Fred Fredrickson, 5726 125th Lane NE, Kirkland, Vice President Kirkland Hunt Club Homeowners Association, provided a video of afternoon traffic near Ben Franklin Elementary. The Hunt Club does not object to proposal, they object to the use of 125th Lane NE. He submitted the following exhibits:

Exhibit 12: Ben Franklin traffic video (edited)

Exhibit 13: Ben Franklin traffic video (full length)

Exhibit 14: Washington Court of Appeals case Colwell v. Etzell

Exhibit 15: Map included in public notice

Exhibit 16: Signed declaration from Irene Campbell regarding traffic count she conducted on January 24, 2011

Exhibit 17: Photographs taken of parking on NE 60th on February 16, 2011

Mr. Fredrickson also provided suggestions related to the stop sign at 125th Lane and creating an entrance from NE 60th to the overflow parking area.

At Elaine Spencer's request, Ms. Tanner enter the pages from the Traffic Study as Exhibit 18 and the color version of the Parking Plan as Exhibit 19.

Ms. Spencer questioned whether vehicular and pedestrian circulation has been coordinated with other properties in vicinity to the maximum extent possible as there are other options that would preserve trees and not place all the traffic on 125th Lane. She disputed the findings of the Traffic Study and suggested the following conditions: require parking for events be via a gate on NE 60th, if the CPTC disposes of the grass area they not be allowed to have events that require overflow parking, require redesign of the new parking lot to provide access onto the grass field for overflow, and require the CPTC hire a consultant to prepare a transportation management program with the Hunt Club.

At 9:39 p.m. Ms. Tanner declared a brief recess to allow staff to confer.

At 9:45 p.m. Mr. Carson requested 15 minutes to prepare their rebuttal.

The meeting was reconvened at 10:01 p.m.

Ms. Lauinger provided responses to questions asked during the hearing.

Mr. Foster provided rebuttal regarding calculation of peak hour trip generation. Mr. Held provided rebuttal regarding school traffic, traffic counts, coordination with adjacent property owners, safety on 125th Lane, and parking. Mr. Carson provided rebuttal regarding traffic studies done by Hunt Club homeowners versus the professional traffic study and the SEPA determination that was not appealed. He requested the Hearing Examiner recommend approval consistent with staff's recommendation.

Ms. Tanner closed the hearing at 10:24 p.m.

3. ADJOURNMENT

The meeting was adjourned at 10:24 p.m.

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Planning Staff



RESOLUTION. R-4875

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON10-00022 BY THE CENTRAL PARK TENNIS CLUB BEING WITHIN A PLA16 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB permit, filed by LARRY HO OF FREIHEIT AND HO ARCHITECTS, representing the owner of said property described in said application and located within PLA16 Zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a Determination of Non-significance reached; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application has been submitted to the Hearing Examiner who held hearing thereon at the regular meeting of February 17, 2011; and

WHEREAS, the Hearing Examiner after the public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions, and Recommendations and did recommend approval of the Process IIB permit subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The findings, conclusion, and recommendation of the Hearing Examiner as signed by the Hearing Examiner and

filed in the Department of Planning and Community Development File No. ZON10-00022 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process IIB permit shall be issued to the applicant subject to the conditions set forth in the recommendations herein above adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB permit is subject shall be grounds for revocation in accordance with Ordinance 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. A complete copy of this resolution, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

Section 6. A copy of this resolution, together with the findings, conclusions, and recommendations herein adopted shall be attached to and become a part of the Process IIB permit or evidence thereof delivered to the permittee.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2011.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk